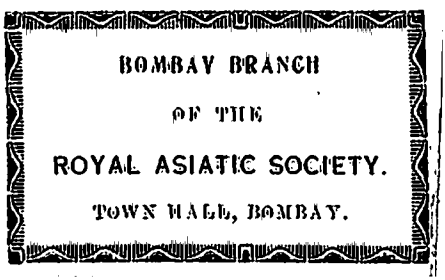

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THE LAND QUESTION OF IRELAND.

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IRELAND.

LETTERS

ON THE

LAND QUESTION OF IRELAND.

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ac

BY

WILLIAM O'CONNOR MORRIS,

'THE TIMES' SPECIAL COMMISSIONER.

REPUBLISHED BY PERMISSION.

ἄνω ποταμῶν ἱερῶν χωροῦσι παγαί,
καὶ δίκα καὶ πάντα πάλιν στρέφεται.

EURIPIDES.

On peut m'opposer sans doute des individus; je parle des classes, elles seules doivent occuper l'histoire.—DE TOCQUEVILLE.

RR-e-70

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TO

JAMES ANTHONY FROUDE, ESQ.

THE HISTORIAN OF TUDOR ENGLAND,

WHOSE GENIUS CAN SYMPATHIZE EQUALLY WITH THE STILL

DIVIDED RACES AND WARRING CREEDS OF IRELAND,

I Dedicate this Volume

PREFACE.

THIS VOLUME consists of a series of letters on the Land Question of Ireland, written at the request of the proprietors of 'The Times,' and published from time to time in that journal. The first twenty-five letters record the impressions of the condition of the landed classes in Ireland and of their relations with each other, of the state of the country, and of the feelings of the people, which I formed in the course of a tour of several months, during which I visited each of the four provinces of the island and examined what I may call its most typical districts. The last four letters contain a brief review of the Land System of Ireland as a whole, in detail, and of those parts of it which seem to require attention; endeavour to ascertain and point out its causes; consider the principles of certain schemes for reforming it; indicate the means by which I venture to think that important end may be best attained; and, in a word, seek to arrive at sound general conclusions. The original text has been revised; a few passages have been enlarged or abridged; some expressions and statements have been qualified; and I have corrected any slips of the pen I have discovered, though I am rather apprehensive that the nature

of the composition, and the necessity of publishing somewhat in haste, have caused me to overlook even positive mistakes. I have not tried to recast the letters or to throw their contents into a more symmetrical form; for I do not think it would be becoming to make extensive alterations in a work that had been given to the world under the authority of 'The Times,' and, so to speak, had received its character from that great organ of public opinion.

At the risk of incurring the charge of egotism, I venture to make a few remarks on circumstances connected with these letters. The fact that I was selected by 'The Times' to write upon a great social subject might afford a presumption that I am not altogether unfitted to do it justice. Yet I may be permitted to say that the accidents of life ought to have enabled me at least to treat the Land Question of Ireland in a reasonable manner. I am an Irish landlord myself; almost all my kindred are of that order; I was brought up amidst associations that belong to Irish landed property; I have long managed my ancestral estate; I am not unfamiliar with the ways and sentiments of the Irish peasantry. In very early life I took part in the local administration of relief during the awful period of 1846–8; I acted afterwards for some time as a magistrate and grand juror of my county; and, as a member of the Irish Bar, I have not only made the law my study and profession, but I have had numerous opportunities of investigating and seeing the practical working of the relations of landlord and tenant in Ireland. I may add that the Irish Land Question has always seemed to me especially interesting, and that the only work that

hitherto has borne my name is a rather youthful production which appeared in the 'Oxford Essays' of 1856. I may, perhaps, remark here that the historical point of view of that little tract is, I believe, correct; though Time, unhappily, has not fulfilled the bright hopes which, in common with most other persons, I formed of the future prospects of Ireland in 1854–55.

With these advantages, whatever their value, I addressed myself to my difficult task. It is hardly necessary to say that I had no instructions from 'The Times,' except to report the truth; and I have endeavoured to see facts as they are, and to form a sound opinion upon them. I visited several of the Midland, Southern, and Western Counties, and ended my tour by a visit to the North; and what I have written records accurately my experiences and my reflections on them. Whenever I came into a district, I tried to gain information from persons of all classes—country gentlemen, land agents, merchants, bankers, local functionaries, ecclesiastics, tenant-farmers, and agricultural labourers; I sifted and examined what I had collected, and having balanced the evidence as well as I could, I set down my conclusions in these letters. That I may occasionally have fallen into errors, that my point of view may have not been always correct, that now and then I may have been misled, was inevitable in the circumstances under which I wrote; but I have spared no pains to discover the truth; I have made no statements without apparent reason; and I hope I have prosecuted my enquiries in that spirit which seeks to understand all sides of a question, is sceptical of exaggeration and vehemence, and applies to

testimony the rule of probability. I believe these letters contain an account, sufficiently exact for practical purposes, of the condition of the landed classes of Ireland, of the relations at present subsisting between them, of the usages and traditions connected with the land, of the operation of the laws of occupation and tenure, and of the train of evils that are the consequence; and I may hope that they will afford to an intelligent reader materials of thought, and the means of forming a correct judgment on a complicated question. It is, indeed, only because I trust that the facts they disclose may be of use, and may serve as premises for just conclusions, that I publish these letters in a collected form, for I am fully aware of their many faults, that they abound in redundancies and repetitions, that they want definiteness and precision, that they do not follow out regularly distinct and logical lines of thought, that they bear, as must have been the case, the marks of rapid and rather desultory composition.

I am conscious, while I was writing this work, of a certain enlargement and even modification of view on some particulars of great importance. Though I had long studied the Land Question of Ireland, I had not fully realized to my mind, until I had examined a large part of the country, how vast are the claims of the small farmers in respect of their contributions to the soil; how law, as to these, in this matter is simply a perversion of justice; how closely associated with this wrong is the prevalence of the agrarian spirit. Here Law, as I have taken care to point out, clashes harshly with Right along a whole range of interests sacred in the eyes of the

peasantry; and the perilous conflict is accurately expressed in the words of the old Greek oracle—

Καὶ τύπος ἀντίτυπος καὶ πῆμ' ἐπὶ πήματι κεῖται.

I was also rather under the impression that the changes effected since 1846–8 were greater than they actually are, that the progress of the nation had been more decisive, that the process of consolidating land had been attended with better economic results, that the small-farm system was not so deep-rooted in the social frame of the country as it is. I have no doubt these letters reflect, in some measure, the expansion of thought caused by increasing knowledge and extended observation. I have hardly, however, altered the text, for I believe almost all impartial persons, who have been lately studying the subject, have yielded similarly to the force of evidence; and, in any case, I prefer truth to mere rigid consistency of view with reference to a many-sided question.

With respect to the plan that I have suggested for a reform of the system of occupation in Ireland, I cannot lay claim to originality of design. The conception of it will be found in the Essays of the late Mr. Senior; it appears also in the singularly able and ingenious book of Mr. Campbell of Edenwood, 'The Irish Land'; but the details of my project are my own, so far as I have endeavoured to explain it. I am not presumptuous enough to suppose that it is entitled to much attention, but I have reflected on it a good deal; and, in Bacon's phrase, it may perhaps give some 'prenotions' and

faint hints of what legislation ought to attempt in this matter.

It remains for me to return thanks for the cordial kindness which I experienced during my tour. I had long been familiar with the frank heartiness and hospitality of Irish gentlemen, and with the innate courtesy of the Irish peasantry, one of the most thorough-bred races of Europe in spite of all that ignorance or detraction can urge; but I could not have expected that a stranger would have met everywhere a gracious welcome, and eagerness to impart full information. Apart also from one or two exceptions, my acknowledgments are due to the Press of Ireland of all shades of political opinion; it has done more than justice to these letters, and has criticized them in a liberal and generous spirit.

DUBLIN: *January* 18, 1870.

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THE LAND QUESTION

OF

IRELAND.

CHAPTER I.

I HAVE undertaken, at your request, to investigate and report upon a subject of great national importance. The Land System of Ireland—that is, the relations between the owners and occupiers of the soil in that country, and the social phenomena resulting from them—has for many years, as your readers know, attracted much general and painful attention. Half a century ago, when, during the period of distress that followed the war with France, Parliament considered the question for the first time, that system had definitively assumed a form that, without exaggeration, may be described as being of a melancholy and portentous character. Absenteeism, with its numerous and complicated mischiefs, prevailed to an enormous extent; and throughout the island large tracts had fallen into the hands of needy and worthless landlords, who, unable to fulfil one duty of property or to do anything to improve their estates, held the land in a kind of destructive mortmain, and thought only of extracting from it as much as it could yield to reckless improvidence. A considerable area, too, had come under the control of the Court of Chancery—that is, under a species of management

attended by disastrous effects; and in many districts a gradation of interests was interposed between the owner and the cultivator of the soil which was aptly designated as a 'barbarous subinfeudation' that confused rights, destroyed responsibility, checked industry, and led to many acts of injustice. Moreover, except in the province of Ulster, where for many generations a well-known usage had given the tenant a substantial interest, the land was, in an increasing extent, held by a poor peasantry by precarious tenures; and even where leaseholds were not uncommon there were few signs of growing improvement. Above all, a large breadth of the country was being rapidly covered by the dense swarms of a cottier population, who, intrenching on the domain of legitimate husbandry, and clinging in wretchedness to their petty holdings—their squalid 'cabins and potato gardens'—spread over the island a huge mass of villeinage—a multitudinous array of want and pauperism.

The consequences of this state of things were seen in widespread disorder and poverty, and in a serious disorganization of society. Except in a few favoured districts, agriculture was in a backward condition; the land bore on its face the marks of neglect and thriftlessness in many places; even where nature was most kindly industry seemed generally to flag and languish. By reason of the pressure of population on the undeveloped resources of the country, the rent of land was usually forced up to a point too high for the public good; it was regulated, as has been well said, by the competition of starvation, not of capital; and, accordingly, the growth and accumulation of the national wealth were ruinously checked; and the occupier of the soil too often was the mere dependent serf of his landlord, kept in a lifelong state of hopeless penury. Owing to the general poverty of the peasantry, too, and the subdivision of holdings that was one of its effects, the improvements that were added to the soil were, for the most part, of a

rude kind; the landowner, from his peculiar position, was usually able to throw on the occupier the burden and cost of those that were made; and he was too often tempted, on a change of tenancy, to appropriate these improvements to himself, and to confiscate, without an equivalent return, the hard-won fruits of another's industry. Add to this, that, from a variety of causes, running up into the historical past, the salutary customs and charities of life that in a well-ordered state of society adorn the relation of landlord and tenant existed in a few parts of the island only, and that in by far the greater portion old animosities of race and sect still separated the classes connected with the land, and we can comprehend what elements of mischief were scattered profusely through the community.

The impediments, moreover, to national progress that necessarily followed from this state of things were by no means the most formidable consequence. Society in Ireland at this period, in the words of a singularly calm-minded statesman, was gravitating towards a war of classes, a fierce struggle for the means of subsistence. In several counties the unfortunate peasantry, unable to bear the pressure of want, that seemed continually upon the increase, formed combinations that had for their object the reduction of rent, the settlement of wages, a wild endeavour to fix upon the soil a population it could not, in its actual condition, support within even an approach to comfort. In part, unconsciously to themselves, the small farmers and the mass of cottiers arrayed themselves into a set of Trades Unions for the purpose of regulating property in land, so as by some means to get a livelihood from it; and, like other Trades Unions, they expressed their will by a system of terrorism and general outrage. The Whiteboy code confronted the law and overcame it in many districts; tribunals of assassination and violence prescribed the conditions of landed tenure, and agrarian crimes increased and

multiplied, supported far and near by popular sympathy. The upper classes, angry and terrified, and backed by the whole power of the State, retaliated with no light vengeance; and repeated acts of landlord coercion, special commissions to administer relentless justice, continual executions and transportations, and law carried out with unsparing severity were the lamentable and unceasing consequences. So threatening was this state of society that Sir George Lewis, as he surveyed it, wrote of it in this remarkable language:—'This system pervades the whole community; it sets the rich against the poor; it sets the poor against the rich; it constantly actuates the whole agricultural population in their most ordinary dealings; it causes sleepless nights and anxious days to those who do not individually feel the weight of its vengeance. It is not the banding together of a few outcasts who betake themselves to illegal courses and prey on the rest of the community, but the deliberate association of the peasantry, seeking by cruel outrage to insure themselves against the risk of utter destitution and abandonment. Its influence, therefore, even when unseen, is general; *it is, in fact, the mould into which Irish society is cast—the expression of the wants and feelings of the general community.* So far as it is successful it is an abrogation of the existing law, and an abolition of the existing government, for which it substitutes a dominion, beneficial apparently in its immediate consequences to the peasantry, but arbitrary, capricious, violent, unprincipled, and sanguinary, oppressive of the upper and corruptive of the lower classes, and, in the long run, most pernicious to the entire society.'

This state of society was for many years the subject of anxious enquiries in Parliament; but statesmen, though appalled at the results, were able to devise no other remedy than an imperfect Poor Law and measures of coercion. A terrible visitation of Providence wrought a

great change in an order of things that threatened not only Ireland, but the empire. The precarious root that had sustained the existence of the teeming and impoverished Irish peasantry, that, as has been said, was the material basis on which society in Ireland rested, perished during two consecutive seasons; and the nation, after an agonizing trial, went through a great and strange transformation. The masses of wretchedness that incumbered the soil were lifted from it literally in millions, and, having experienced a bitter ordeal, relieved by magnificent Imperial charity, sought the Far West in the continuous waves of an emigration unparalleled in history. At the same time the whole system of property in Ireland was smitten by a sudden shock: embarrassed landlords were involved in ruin; the interests of middlemen, as the class of intermediate owners was called, became in most instances almost worthless. The fetters in which the land was bound were thus in an extraordinary way loosened, and statesmanship happily lent its aid to promote a revolution ultimately fortunate. A Poor Law, stringent, yet on the whole just, prevented poverty from re-settling on the soil, and accelerated, as we believe wisely, the exodus of the cottier population. The estates of the insolvent landlords were sold and transferred to others by a summary process, and in this manner an immense area was thrown open to a new class of proprietors. At the same time many legislative efforts were made to simplify and reform tenures and to attract capital and energy to the land; and the Imperial Exchequer contributed largely in loans for the improvement of landed property. The results, conjoined with the natural influence of the generally impartial system of government that has now prevailed during many years, cannot be doubtful to a candid enquirer. The material wealth of Ireland has increased considerably since the great famine. More than two

millions of acres, formerly waste, have been reclaimed and permanently enclosed, and throughout the whole country agriculture has made remarkable and felicitous progress. Some of the worst phenomena of the old state of society have in a great degree vanished. What has been called landlordism is not felt to be universally an intolerable burden; there is no war of mere poverty against property. If agrarian confederacies still exist, they have lost much of their baleful activity. Above all, the condition of the poorer classes has passed through a very happy change; the cottier serf has in a great measure been converted into the agricultural labourer, and the rate of wages has increased enormously. Tried by every conceivable economic test—amount of production, return of industry, proportion between the burdens of land and its profits, remuneration to labour in its various forms, accumulation of all kinds of capital—the state of Ireland is one of prosperity compared to what it was in the last generation.

Notwithstanding, however, this decided progress, society in Ireland still exhibits not a few perplexing and alarming symptoms. Irish agriculture, as a rule, is far behind that of England or Scotland; indeed, except in some fortunate spots, it is still very defective and backward. Absenteeism, though diminished, still prevails to an extent detrimental to the country. Though embarrassed owners are more uncommon than they were, though middlemen tenures have been broken up, it cannot be said that landed property rests generally on a secure basis. The Landed Estates Acts have done much good, yet complaints are made that in some districts they have introduced a new class of proprietors, of a grasping, mischievous, and illiberal character. The old dissensions of religion and race keep the owners and occupiers of the soil asunder; time and change have done something, but not much, in bridging over the chasm between them. While the cottier

peasantry have greatly diminished, and the position of the agricultural labourer has been ameliorated in a remarkable manner, the relations between the landlords and the better class of tenants have not been in proportion improved. It is said that a very large part of the land of Ireland is still held by precarious tenures—yearly tenancies, in a real sense at will—and that a growing disinclination exists to concede even short leasehold interests. Complaints are made, and that not only by trading agitators, but by thinking men, that the pressure of rent is still excessive; that it does not allow the Irish farmer a fair and reasonable margin of profit. It is said, too, that the great mass of improvements that are added to the soil are the product of the industry of the tenant, and not of the outlay of the proprietor; that landlords have too often the power, and in some instances have shown the will, to appropriate these improvements to their own benefit by direct or indirect means; and that injustice, accordingly, is not seldom done, and agricultural progress is seriously impeded. It would appear, too, that there are few signs of an increasing growth of the kindly sentiments that should knit the landed classes together; indeed, according to some reports, there has been a tendency in an opposite direction. More than all, those foul confederacies of blood, so long the curse of Irish society, have never been completely dissolved, and of late, unhappily, have given proofs of continuing and even renewed vitality. Though agrarian outrages are few compared with what they were thirty years ago, several agrarian crimes of the very worst type have been perpetrated during the last eighteen months; the spirit that fosters this wicked conspiracy, and that assures for it impunity and sympathy, survives in a great part of the nation; nor has it ceased with the cessation of the cause that formerly made it so fierce and intense—the extreme want of a half-starving peasantry. Nor must we forget that at this moment the Government will not entrust the

immense majority of the occupiers of land in Ireland with firearms; that until the other day the Habeas Corpus Act was suspended throughout the whole island; that a Minister of the Crown not long ago admitted that had Fenianism had a momentary triumph it would have obtained the support, as it had the goodwill, of an unknown number of the agricultural classes.

This train of phenomena, which never ceased to attract the attention of thinking persons, has now forced itself into public notice. The Irish Land Question has become a subject of wide national interest, and will take up a great deal of the time of Parliament in the next Session. As might have been expected, as it is viewed in different aspects by different interests, opinions respecting it vary considerably; but there is a general conviction that some change is required, and violent measures have been put forward as the only solution of the problem. Men of all parties have admitted the necessity of one reform of evident justice—the securing the Irish tenant compensation for the improvements he may have annexed to the soil; but several Bills introduced with this object have, for different reasons, proved unsuccessful. Meanwhile, even the most practical statesmen allow that the relations of landlord and tenant in Ireland are not in a satisfactory state, and reforms of a very radical kind have been advocated by a not contemptible party. It is urged that the ordinary rights of ownership in land in Ireland must be largely modified in order to protect the right of the occupiers, and that, in the interest of the whole community, the Irish farmer should be assured a firmer hold than he has on the soil. It is said that, as Irish society is, the absolute dominion of the landed proprietor is irreconcilable with the public good; that it places his tenant in a state of mere dependence; that rack rents, precarious tenures, discontent, hatred, injustice, and crime are the miserable but inevitable results; and that Ireland can have neither prosperity nor peace until the

occupying tenantry shall have obtained a more durable interest in the land than they are likely to have as things now are. Schemes, accordingly, of a *maximum* of rent, of what is known as fixity of tenure, have received the sanction of names not wholly without weight, and the most eminent of living economists has gone a long way in the same direction. Even statesmen of the highest distinction, and conscious of their great responsibility, seem to think that the land system of Ireland must be changed in some way that shall augment the interest of the occupier in his holding, though, with the exception of Mr. Bright perhaps, their language has hitherto been vague and undefined.

This, therefore, is the Irish Land Question, which I have undertaken to examine for you in its phenomena, and, if possible, its causes, not merely in books, but by my own enquiry; nor should I have accomplished your object were I not to review the principles, at least, of measures considered applicable to it. I approach the task with sincere distrust in my own power to perform it well, yet I hope that I may be able to throw some degree of light on this important subject; for, in the first place, my principal business will be to collect and record facts which must be useful to inform opinion, and I write with no instructions from you save to find out the truth and report it fairly. In the next place, I take up the enquiry with no peculiar theory of my own that is likely to cause me to see evidence wrongly; and, especially, I have a settled conviction that, as the still existing evils of Ireland may be traced to a variety of causes and ascend to the remote past, so it is idle to imagine that they can be removed by any single or sudden panacea. And, lastly, I may say for myself that I can consider the Irish Land Question with sentiments free from local prejudice, from party bias, or party passion; and I can view it, at least, in the light of the principles of history and economic science now generally accepted among educated men.

CHAPTER II.

Tipperary, July 26.

I HAVE left Dublin for this place, having thought it advisable, for several reasons, to visit Tipperary in the first instance. It is unnecessary for me to record at any length my impressions of the metropolis of Ireland. Many of your readers are, of course, familiar with its pretentious squares, its fine public buildings, its wide streets, and its extensive suburbs, and few, perhaps, would care to know much about its poorer and less prosperous quarters. Like all the great cities of these kingdoms, Dublin has participated in the rapid progress of this generation in material opulence. Compared with what they were twenty years ago, its thoroughfares are brilliant and gay, the shops and quays are busy and thronged; there is a marked improvement in the street architecture, in the large warehouses, and in the public vehicles. Yet Dublin retains essentially unchanged its peculiar and rather singular characteristics. It has not the splendour of a real capital; it wants the look of energetic and thrifty industry that belongs to most of our great centres of commerce. Its public edifices, monuments for the most part of the extravagance and the taste of the Irish Parliament, contrast painfully with the decaying aspect of many of the masses of dwellings around. Its big squares, and the broad approaches to them, are laid out in stateliness and pomp, but they seem slatternly in their magnificence, and the mansions, with a great deal of display, are often deficient in genuine comfort. The tide of life runs thinly and weakly through spaces enlivened by few equipages; the streets seem usually too large for the traffic; at night the gas-lights hardly subdue the dark-

ness; by day there is comparatively little of the roar and din of flourishing trade. In some particulars the features of Dublin are remarkable, and not a little significant. Although a place of very great antiquity, the existing town is comparatively modern; few of the buildings are of an earlier date than the first years of the eighteenth century; and while Dublin abounds in memorials of the Protestant colony that became ascendent after the Revolution of 1688, and of Protestant domination in many forms, it is not rich in associations that run up to a more remote era of Irish history. In few cities is the contrast between the rich and the poor more offensively marked: regions of squalid lanes, and foul, noisome streets, that look all the more miserable because the rickety and dilapidated houses are for the most part of recent origin, are the habitations of swarms of the poor; notwithstanding many excellent charitable institutions, the sanitary arrangements of the place are bad; until lately the water supply was disgraceful; and the Liffey, a filthy and huge sewer, charged with the seeds of fever and pestilence, is the outlet of an execrable system of drainage. All there now is orderly and quiet, but the frequent couples of armed policemen, and the martial columns of scarlet and steel, fringed at the edges by a following mob, that meet continually a spectator's gaze, remind you that Fenianism has been threatening, and that you are no longer in one of the cities of England.

You leave Dublin for Tipperary by that excellent line the Great Southern and Western. The route, except at a few intervals, where all is level to the far horizon, follows for the most part a broad tract between ranges of opposite hills, that, here swelling into high eminences, and there sinking into mere uplands, at various distances shut in the landscape. This tract, ascending about midway to the height of the great watershed of Leinster, and thence falling by a gentle decline, presents a vast diversity of feature,

but until the end of the journey is approached it is not very picturesque or interesting. The scenery of the valley of the Liffey is pleasing and rich, but rather tame; it is laid out in well-squared fields and enclosures, thickly studded with country seats and farms; but the husbandry is not remarkably good, the oats seemed short and the turnips sickly, and the meadows were crowded with huge haycocks —one of the chief blots of agriculture in Ireland—that are left out to tan and decay until autumn. After leaving Kildare the train runs along the edge of the central plain of Leinster and across the heads of several of the streams that ultimately reach the sea at Waterford; and beside Maryborough it skirts the range of the swelling and high Slievebloom hills, that for centuries gave the Celtic clans a broad line of defence against the English invader. This district is generally of little interest; the soil is for the most part poor; bogs and marshes, their waters not carried off by the sluggish and slowly descending streams, stretch out drearily in many places; the fields are often ill drained and cultivated; good country houses and homesteads are rare; the Irish mud cabin is too frequently seen; the few towns are ill-built villages of low grey houses with bad slate roofs, ending in rows of miserable thatched dwellings. As Munster and the heads of the Suir are neared a favourable change passes over the scene; bold and lofty hills trend down to plains, in places gay with magnificent verdure; the face of the country, often dotted with fine plantations and extensive parks, with rich breadths of meadow and pasture between, wears a more bright and luxuriant aspect; and the crops in the deep and fertile tilth seem to defy the drought and to love the summer. After traversing miles of country of this kind the jutting peaks of the lofty Galtees are seen rising against the sky; and having passed the Limerick Junction, you reach the little country town of Tipperary, not far from a stream

to which Celtic fancy has given the name of the 'well of the plains.'

Tipperary differs in few respects from the small country towns of the south of Ireland. The place lies within the shadow of a range—covered in long breadths of plantations of fir—high over which, and divided from it by the beautiful valley of Aherlow, the scene of many a fierce conflict between the chiefs of Ormond and Desmond, rise the dark and massive crests of the Galtees. The streets, irregular, but tolerably wide and clean, are composed of square houses of stone and slate, for the most part built in the last century, and perhaps then the resort of the local gentry; and these terminate in an Irish town of squalid and low thatched mud cabins, the habitations of the poorest population. High above towers the commanding steeple of the fine and spacious Roman Catholic church, erected lately by voluntary subscription, its doors open to reverent crowds, who kneel as they pass the cross hard by. It seems to look down on the attenuated spire of the English church—the name given to the edifices of the Establishment by the peasantry of Munster—as it stands enclosed within its walled graveyard. The shops of Tipperary seem not bad; their fronts are brighter with paint and gilding than is usually the case in Ireland, and the town, though not in the least interesting, wears a look, on the whole, of thriving industry. There are several banks and some public buildings, none of these, however, requiring notice except the school founded by Erasmus Smith, an English adventurer, who received large grants of forfeited land from Cromwell, and who endowed schools in several parts of Ireland, for the education of the children of his fellow settlers, and for the advancement of that Protestant faith which Ireland, as a nation, will not accept. Tipperary has lost the feeble manufacture it had in the days of Arthur Young, and its trade is for the most part confined to the sale of corn and

butter for export, and to retail commodities for the adjoining districts. This business, however, is not inconsiderable, and several hundreds of thousands of pounds are exchanged annually in the article of butter. The population of Tipperary, like that of the inland towns of Ireland, has diminished greatly of late years; it was 7,001, in 1851; 5,907 by the last Census; and it is now certainly considerably less.

The country around Tipperary, however, is the immediate subject of my enquiry. This district is near the centre of a tract—the celebrated Golden Vale of Munster—that extends like a broad wedge westward, between ranges of opposite hills, from beyond Cashel far into Limerick. This tract is, for the most part, an undulating plain of resplendent verdure, in places rising into knolls and eminences; and nature has blessed it with a fertility almost unrivalled in the British islands. 'I think,' wrote Arthur Young ninety years ago, 'it is the richest soil I ever saw, and such as is applicable to every purpose you can wish; it will fat the largest bullock, and at the same time do equally well for sheep, for tillage, for turnips, for wheat, for beans, and, in a word, for every crop and circumstance of profitable husbandry.' In the days of that intelligent observer the whole region was a vast expanse, in which the neglect and indolence of man seemed to mar and deface the gifts of nature; nor was there any exception in the neighbourhood of the town of Tipperary. Arthur Young remarked:—'In no part of Ireland have I seen more careless management than in these rich lands. The face of the country is that of desolation; the grounds are overrun with thistles, ragwort, &c., to excess; the fences are mounds of earth full of gaps; there is no wood, and the general countenance is such that you must examine into the soil before you will believe that a country which has so beggarly an appearance can be so rich and fertile.'

At this time, in truth, comparatively little had been effected in the way of improvement. In some places country seats had been built, where rude Barry Lyndons and fighting Fitz-Geralds led a life of coarse extravagance and vice, and kept down the subject Irishry around; and here and there a gentleman of a better class had introduced the germs of a progressive husbandry. Parks and gardens occasionally met the eye; some large farms had been well enclosed; and attempts had been successfully made to cross the native breeds of swine and of cattle. But these signs of culture and taste were rare, and, speaking generally, the character of the landscape was uncouth wildness in the midst of fertility. Vast herds of shaggy and long-horned kine roamed on broad spaces that never knew the plough; and at wide intervals the rude dwellings of the petty squireen and large grazier arose. Along the edges of the roads, for the most part, wretched lanes of mud cabins were frequently seen, the habitations of the cottier peasantry, who, already beginning to be forced from the soil, eked out a miserable existence on the potato. Arthur Young notices, with contemptuous scorn, the barbarous husbandry of this race, squatted in increasing crowds on their scanty allotments, and their half-savage and degraded aspect.

Since that period a great change has passed over this fertile district. I have visited the country around Tipperary on a circle of several miles in extent; and, though much remains to be yet done, the scene is generally one of wealth and prosperity. A few fine seats and mansions may be seen that, in their ornamental grounds, their cultivated fields, their graceful plantations, and their luxuriant gardens, rival those of a similar class in England. The whole country has been enclosed long ago, and though, partly owing to the value of the pastures, wood does not abound, nor are the lands laid out regularly or well fenced,

the view on all sides is rich and magnificent. A small breadth comparatively of the soil is in tillage; but the crops are, with rare exceptions, fine, the oats with full ears and long straw, the turnips thick in strong green lines, the potatoes well closed over their ridges, and the appliances of husbandry are usually good. Many excellent farmsteads may be seen, well-built and well-slated houses and offices; those on the beautiful estate of Lord Derby especially, as well as his admirable labourers' cottages, seemed to me worthy of particular notice. The real wealth of this district, however, consists in its noble grass lands, unequalled, perhaps, save in the vicinity, and in some parts of Meath and Westmeath. The mowers the other day seemed hidden in the meadows; their scythes turned an enormous swathe; every hayfield was dense with its numerous cocks. Far and wide broad and fat pastures extend, browsed over by sleek and large kine; and here the intelligence of man has done much to second the lavish bounty of nature, for the breeds are usually of a very fine description. As regards the general appearance of the peasantry, I saw in the country very few traces of poverty of an extreme kind; the men and women seemed generally well fed, not ill clad, and of decent appearance; and even the small farmers had a good class of horses. But it is not to be supposed that the external aspect of the scene is in all respects favourable. The farmhouses vary exceedingly in quality, a large proportion being very inferior dwellings; and mud cabins, that eyesore of the Irish landscape, are still not infrequent in many places. The big fields, too, are ill enclosed and fenced, and the wide dykes and banks that usually divide them not only waste a great breadth of ground, but show that thorough drainage is much wanting. This, indeed, is evidently the chief deficiency in the farming throughout this whole district. Lord Derby's estate is well drained, and so are those of some other proprietors; but the thick

masses of rushes and coarse grass that in many places spread over the fields prove that, even now, in the drought of summer, the subsoil is charged with injurious moisture. This is especially the case with the valley of the river which flows beside the town of Tipperary, and which in winter, I hear, is often a wide flooded lake; and, speaking generally, a large expenditure of capital and industry would be still required to develop fully the resources of this tract, considered merely as a vast pasturage.

In my next letter I shall give an account of the social economy of this neighbourhood and of the phenomena it presents.

CHAPTER III.

Tipperary, August 3.

I SHALL now endeavour to give you an account of the social arrangements of this neighbourhood, referring especially to its land system; and in doing so I shall confine myself to existing facts, postponing the consideration of causes, and any attempt to draw general inferences, to a subsequent stage of this enquiry. Having conversed freely with persons of all classes, landowners, their agents and immediate dependents, ecclesiastics of the Roman Catholic Church, of the highest and of inferior degrees, officials charged with the administration of justice, men in business, bankers, merchants, and shopkeepers, I have received a great deal of valuable information; and this, coupled with my own observation, enables me to supply a report, I do not doubt, in the main accurate. Like all those who have had to deal with questions involving numerous interests, viewed in a great diversity of lights, and obscured or distorted by passion and prejudice, I have heard some wild and exaggerated statements, and have been obliged to exercise my judgment in reconciling and balancing evidence; but, notwithstanding difficulties of this kind, I think that what I am about to say will be found sufficiently correct and trustworthy.

In the first place, then, as to one particular of the greatest importance in considering the general state of any district, there is, happily, little difference of opinion. The condition of the agricultural labourer about Tipperary, as elsewhere in Ireland, has improved greatly of late years. The tillers of the soil here, in the days of Arthur Young, were usually cottiers, living on a patch of potato

ground, rented at from 3*l.* to 5*l.* an acre, worked out in wages at 6*d.* a day. At this rate the cottier was generally able to support his family in coarse plenty upon the lowest description of food; but as, after discharging his rent, he had probably not more than 1*l.* 10*s.* to meet expenses of every kind, he was evidently in extreme poverty. Seventy years afterwards, at the period of the Devon Commission, the rent of the cottier had risen to from 6*l.* to 10*l.*, his wages having only increased to 10*d.*, while the price of all commodities had advanced, so that he had relatively declined in the social scale; and as a large mass of agricultural labourers had grown up, detached from the soil, and without even the advantages of a cottier, this whole class was on the verge of abject wretchedness. 'The distress and privations these people endure,' said a witness before the Devon Commission, respecting the labourers near Tipperary, 'are incredible except to those who witness them; there is a periodical starvation in this town for want of employment.' All this, fortunately, has been completely changed; and, partly owing to the progress of wealth, partly to the beneficial effects of the Poor Law, but principally to the results of the immense emigration which has occurred since 1846-8, the agricultural population around Tipperary are in a state of comparative affluence. I have already intimated that in dress and looks they appear for the most part decent and comfortable; and, considered fairly, they are as well off as the same class in some English counties. The agricultural labourer of this neighbourhood is no longer a cottier serf, or in a position even more miserable; his wages average from seven to nine shillings a week, paid in cash regularly all the year round, or a full equivalent in money and food, the rent of his dwelling being about 1*l.* 10*s.*, and he has in a great measure given up the potato, and substituted for it a better diet. Indeed, his condition in some places excites the jealousy of the

farmers. I asked the tenantry of Ballycohey—the scene of Mr. Scully's exploits last year—if they had any grievances now to complain of, and the answer I received was that 'all would be *blooming*, but that the farm boys insisted on getting their *bit*, their lodging, and 1*l.* a month.'

In point of material comfort, therefore, the agricultural labourers of this neighbourhood may be said to be in a satisfactory state. Yet this class seems to be not free from a vague sentiment of discontent; they furnished a good supply of recruits to the Fenian 'army' which, in 1867, was marshalled, hard by, by 'General' Burke; it is from their ranks, for the most part, that the perpetrators of agrarian crimes are selected. Turning, now, to the relations between the owners and the occupiers of the soil, I have to present a picture of more varied outline, more complicated in its lights and shadows, more difficult to comprehend and interpret. Materially, I have reason to believe the condition of the mass of the tenant farmers corresponds with that of the country around, which, though not cultivated or improved to anything like a high point, wears, on the whole, a look of prosperity. In this, as in other parts of Ireland, the land twenty-five years ago was engrossed to some extent by masses of cottiers, whose intense competition caused rents in many cases to be extravagantly high, and who considerably diminished the proper area of legitimate and remunerative husbandry. This class has now, for the most part, disappeared, and, though the change was necessarily accompanied by an immense amount of suffering and hardship, and occasionally, doubtless, of cruel wrong, the resulting benefit cannot be questioned. The land around Tipperary is now held in farms varying from 200 to ten and even five acres in size, twenty and thirty acres being very common; and, from every enquiry I have made, the occupiers, as a rule, are reasonably thriving. There

is, as I have said, but little tillage, the great staple being dairy produce; and, at the average prices of the last ten years, this mode of farming has been extremely profitable. In fact, though the homesteads and farm offices in this neighbourhood are seldom well built, and though the farmers are disinclined to exhibit the outward signs of wealth, it is impossible not to see that they are usually comfortable; and I have been informed, on the very best authority, that many of them have good balances in the banks, and, what I was very glad to hear, that the small holders were doing as well as the large. As for the rate of rent, I do not think it high, considering the admirable quality of the land, and its proximity to several excellent markets; and though I have heard some complaints of rack rents, these instances, I am convinced, are exceptional, and rents are generally paid without difficulty. From a comparison, moreover, of different periods, I am satisfied that the burden of rent on the tenant has been steadily diminishing; and though rents have been gradually rising, I do not think, as a general rule, they are as high as might have been expected. In the days of Arthur Young the rent of this district was from 15*s.* to 50*s.* the Irish acre—that is, from about 9*s.* to 30*s.* the English; when the Devon Commission held its enquiry it had risen from 30*s.* to 3*l.*—that is, taking the above proportion, from about 18*s.* to 36*s.*; it is now, probably, from 36*s.* to 3*l.* 5*s.*—in other words, at the same scale, from 21*s.* 7*d.* to 39*s.* the English acre. But in the days of Arthur Young the prices of farm produce about Tipperary were not one half of what they are at this time; the average amount of produce raised was not probably more than two-thirds; and at the period of the Devon Commission the rate of prices and the sum of the produce were, perhaps, 20 per cent. less than they are at present. It follows that the real pressure of

rent is considerably less in 1869 than it was in 1779 or in 1844; and, though the exact proportion may be difficult to ascertain, I have no doubt as to the general conclusion.

I do not hesitate, then, to assert that the occupiers of the soil around Tipperary are, in a material point of view, by no means an unprosperous class. Yet the resources of the country are not half developed; its wealth is due to its natural fertility, and not much to the industry of man; and its agriculture is backward, and, in most cases, what may be called its agricultural plant and fixed capital is of an inferior description. Nor are the farmers, as a body, contented; they are, many of them, dissatisfied in a vague way; they put forward several distinct grievances; they are not, as the corresponding class in England is, Conservative in feeling. This state of things may in part be ascribed to certain existing facts in society around. The landowners are, with hardly an exception, Protestants, and the tenants are nearly all Roman Catholics; and, those who know what antagonism of class religious differences cause in Ireland will at once see how injurious to progress this single circumstance inevitably is. Again, the largest landowners are absentees, who seldom or never visit the neighbourhood; and though their estates are generally well managed—that of Lord Derby especially so, to judge merely from its appearance—the agent can never supply the place of the resident proprietor, and the kindly link that ought to unite the tenant and his superior being broken, the whole frame of society suffers in consequence. By these means a barrier is raised between the classes connected with the soil, and the natural relations between landlord and tenant are occasionally marred by hardship and wrong. With some not inconsiderable exceptions, and those chiefly of modern date, all that has been done here for the improvement of the land, the draining,

enclosing, and building of farmsteads, has been the work of the occupiers, not of the owners; and though the occupiers, during their tenancies, have, of course, received the accruing benefit, they complain that, as a general rule, they have obtained no allowance or compensation. They say, moreover, that, in some instances, their rents have been actually raised in consequence of what they have thus done, and that they are discouraged from improving by a general apprehension of such a result; and though I have not been able to find out well-authenticated cases of such injustice, I have little doubt that some might be discovered. Furthermore, leaseholds are exceedingly few; the tenancies are nearly all at will, determinable at a six months' notice to quit; and though I can affirm with confidence that no general system of oppression exists, and that evictions from land are rare, it is evident that, under these conditions of tenure, the tenants are at the mercy of their landlords; and it is probable that some members of this class, not united by kindly associations and feelings with that in complete subjection to it, occasionally abuse their dominant position. Another circumstance connected with the system of tenure requires particular attention. On many, perhaps the majority of estates, an outgoing tenant is accustomed to sell the goodwill of his interest; very large prices are paid in this way for holdings usually only at will, and though legally a purchaser acquires no new right, it is impossible to satisfy him that by his outlay he has not become virtually a part proprietor. In most instances this Tenant Right is treated by the landlords with respect, but in some it has been disregarded; it has no sanction whatever from law, and I have heard of cases in which an incoming tenant has been capriciously evicted though he had paid his rent, and though he had, perhaps, invested 10*l.* an acre as a premium for merely obtaining possession. Such cases,

however, are extremely rare, but when they occur it is difficult to deny that the tenant suffers very great hardship.

These facts fairly account, I think, for a great deal of the dissatisfaction that may be observed among the farming classes, and for much of the backwardness of the country. When moral divisions, broad and deep, keep the owners and occupiers of the soil apart; when large tracts are deprived of the presence of those whose duty it is to make the relations of landlord and tenant gracious; when the delicate but all-powerful chord of sympathy is wanting to knit a community together; when it is in the power of a dominant class to appropriate the fruits of the industry of others and to enforce a law of *sic vos non vobis*; when examples of this wrong may be cited; when those with whom more than any others the prosperity of a district rests are legally in a state of mere dependence, and hold the land by a precarious tenure; and when it is possible to confiscate rights gained morally by purchase, it is easy to see that the elements of content and of general welfare are extremely deficient. Nor is it necessary, to effect this result, that oppression or wrong should be generally exercised; the mere existence of this state of society, the apprehensions it inevitably diffuses among those who may suffer from it, the certain check it imposes on industry, are quite sufficient to retard progress and to create a sentiment of angry irritation. It should be observed, moreover, that this very feeling is not unlikely to co-exist with a certain amount of material prosperity; the sense of inferiority and subjection engendered by this condition of things will wound more deeply a class that has risen in some degree in the social scale than one sunk in mere abject wretchedness. Still, after making every fair allowance, I do not think that the existing arrangements of landed property or their effects account completely for the peculiar notions

and tendencies that, to some extent, prevail among the farmers in this district. It would be untrue to assert that there is anything like a war against landlords about Tipperary; rents are well paid, and the peasantry usually are courteous in manner to their superiors; and those proprietors who manage their estates with deference to the usages of the country are as safe, perhaps, as they would be in England.* But it is not too much to say that the occupiers of the soil resent the exercise of some rights of property that would not cause much offence in England; they do not oppose the eviction of a tenant who had made default in the payment of his rent, and in some cases would not object to the rent of land being considerably raised; but I believe at this moment few landlords here would venture to serve a notice to quit, or to put an end to a tenancy-at-will, even though the tenant had no moral claim to hold beyond the term of his contract. I think, moreover, that the tenantry, as a class, are impressed with an idea that a great change is at hand that will decidedly improve their condition; and, possibly, at the bottom of the hearts of many lurks a sentiment that, subject to a reasonable rent, the land they occupy is virtually their own, no matter what the nominal tenure. There would be some equity in such a claim in cases where great improvements have been made, and large sums have been paid for goodwill; but such distinctions are not generally drawn; and though, of course, not a few of the farmers are quite alive to its real import, 'fixity of tenure' is a popular cry. In a word, feelings exist in the country of considerable force which conflict with the rules of our laws about land, and I have little doubt that at this conjuncture few landowners could afford to outrage these feelings without risk to themselves.

These sentiments appear in their worst form in the

* This was written in July. The prospect since has become more gloomy.

agrarian combinations so common in Ireland. These confederacies have occasionally taken the shape of a war of poverty against property; they have sometimes been the desperate resource of an impoverished and oppressed peasantry; but their general object has been to maintain the occupier of the soil in Ireland in his holding according to an ill-defined usage. It is unnecessary to say how they have administered an unwritten law of terrible import; to what deeds of blood they have given birth; and how, wherever they have made their appearance, they have been supported by popular sympathy. At this moment a combination of this kind, not organized, perhaps, but still existing, I cannot doubt, pervades this neighbourhood; though its active promoters are probably few, it is sustained by much general opinion; and though, as usually has been the case, the crimes it has sanctioned have not been committed without provocation more or less grave, they have been, nevertheless, extremely alarming. Nor, though its activity has not been great, though it has not left the mark of its presence in outrages on an extensive district, though its positive achievements may not have been many, is the scope of its influence, I fear, limited; its spirit is probably widely diffused, and it has had an effect, more or less to be traced, in controlling the management of landed property.

In my next letter I shall briefly describe the agrarian crimes of which this neighbourhood has been the scene within the last few months, and which may be traced to this evil spirit.

CHAPTER IV.

Tipperary, August 5.

I PROCEED to give you a short account of the agrarian outrages of this neighbourhood. The principal crimes committed here during the last twelve months have been the homicides on Mr. Scully's late estate of Ballycohey, the murders of Messrs. Baker, Bradshaw, and Tracey, and a serious attempt at intimidation on the property of the Messrs. Vincent. With the single exception of the murder of Mr. Bradshaw, the character of which remains doubtful, all these crimes are certainly agrarian, and it will be thus perceived that the worst offences of the district are of the same type, and that but for them it would be almost free from crime of a really bad description. Of course I do not pretend to give a statement accurate in every particular, but, as I have consulted the best authorities, and have had access to special sources of information, my account, I think, will be found trustworthy.

The circumstances connected with Mr. Scully's estate require, in the first place, a few words. It comprises some three hundred Irish acres, and, accordingly, is of small extent; the lands when I saw them, though of the best quality, having a rather neglected and desolate look, and the farmsteads, too, being of an inferior kind. This property formerly was a portion of the vast estates of the Earls of Portarlington—derived in part from the Dawson family and in part from the judicious accumulations of a well-known sutler of Cromwell's army—and many years ago it

was granted by lease to a Mr. James Scully, who sublet the lands at rents much higher than those now payable. The interest of Mr. James Scully, who in this way had become a middleman, came to an end in 1852 or 1853, and the chief lord's estate was purchased in 1866 by Mr. William Scully, a relation of James. Mr. William Scully found the tenantry emancipated a long time from the middleman, and paying a much reduced rent, though as high, probably, as the lands were worth; and in 1868 he resolved to compel them to accept a tenure of an extraordinary kind, though I have not heard that his intention was to make any augmentation in the rent. The tenants who had previously held from year to year, and who, therefore, could be evicted upon a six months' notice to quit only, were required to adopt a substituted letting, under which their rents were to be paid quarterly; very stringent conditions of husbandry were imposed, and their interest, no specified time being given, was made determinable on a twenty-one days' notice. On the 14th of August, 1868, Mr. William Scully proceeded to Ballycohey, attended by a party of police, to serve the notices that were thus to convert a tenure, already precarious, into one of the most worthless kind; and what followed is unhappily notorious. A large body of men, some with firearms, and evidently collected by preconcert, assembled and offered a fierce resistance; shots were fired, the tenantry looking on approvingly; and the result was that two of the police were killed, and Mr. Scully and some other men were wounded. The victors separated after their triumph, although the outrage occurred in broad daylight, and in the presence of numerous bystanders, and though large rewards have been offered for the apprehension of any of the offenders, no signs of evidence have been forthcoming, and the magistrates have given up all hopes on the subject. The property has since passed into

the hands of Mr. Moore, M.P. for the county.* He has promised to give the tenantry leases, and I dare say they will do well under him—indeed, the single slated house on the lands has been commenced since the transfer was made; but any of them with whom I conversed seemed perfectly blind to the moral quality of the crime to which they at least consented.

With respect to this case of Mr. Scully, I must observe, by the way, that it seems to me a great mistake to authorize the police to assist a landlord, as they practically do, in the assertion of the civil rights of property. I do not enter into the question whether the contract Mr. Scully endeavoured to impose upon his tenantry was legal, though no lawyer can doubt that it bears out the proverb that *summum jus* may be *summa injuria*. My objection is of a general kind. I maintain that those whose primary duty is to aid in the administration of criminal justice ought in no instance in Ireland to co-operate in the vindication of purely civil rights. Such a course makes the Government appear in the eyes of a very quick-witted race an instrument to support class interests; it identifies it with acts occasionally oppressive; and, instead of discouraging, it has probably a tendency to promote outrage. Mr. Scully, it is likely, would never have thought of acting in the manner he did had he not been assured of the help of the police; and, but for their unlucky intervention, the affair of Ballycohey might not have occurred. I am aware that it is said that in these cases the police attend in order to prevent a breach of the peace, and to give protection to those who are carrying out the process of the law; but this distinction is too fine to be recognized. They are really turned into armed bailiffs for the purpose of uphold-

* The death of this gentleman in the autumn led to the famous election which ended in the nominal return of O'Donovan Rossa for Tipperary.

ing by force claims sometimes harsh, unjust, or extreme; and I cannot but think it highly impolitic that the State and its agents should incur the odium.

It is difficult to find out all the facts that preceded the murder of Mr. Baker, but what follows may, I think, be relied on. Mr. Baker was the owner of an estate of some 1,400*l.* or 1,500*l.* a year, a few miles from the town of Tipperary. Two brothers of the name of Dwyer, who held small farms on the lands, having been at feud, Mr. Baker, who, I believe, had taken part with one brother in a decided way, and who, I have been told, expressed an intention of giving him a lease of both farms, proceeded to serve a notice to quit on the other brother in the usual manner. I have heard that Mr. Baker's purpose was to resume possession of a small portion only of the lands included in the notice to quit —in fact, merely to square the farms; but, however this may have been, as the process unquestionably comprised the whole of his farm, the tenant who had been served could not know this circumstance. An ejectment was brought upon the notice to quit, and I have been informed that Mr. Baker some time previously gave a kind of promise that he would not have recourse to such a proceeding, and changed his mind in a moment of anger. Soon afterwards the unfortunate gentleman was found shot dead near his own house; the murderer as yet has not been discovered, and I hear that discovery is very improbable.

The murder of Tracey presents features of an equally dark and ruthless character. Tracey was a small farmer, who held land in the neighbourhood of the estate of Lord Derby. Some years ago his farm had been occupied by a tenant who had been dispossessed; and I am informed that the agent of the property promised to give the land to a man of the name of Burns. Tracey was, however, ultimately preferred; and I hear that he was repeatedly

threatened by Burns, who is said to have exclaimed lately 'that grey hair would never grow on his head.' Last winter Tracey was found dead, his throat cut in a barbarous manner; and this murder, too, remains unpunished, for though Burns was put on his trial, he has been acquitted, with the approval of the judge, the evidence being wholly insufficient. I may add, in reference to this crime, that Lord Derby issued a circular which menaced any of his tenants with eviction should he harbour or countenance the assassin, an act, I venture to think, that betrayed suspicions, perhaps wholly undeserved, and that savours too much of feudal justice—I might make use of another term—for the second half of the nineteenth century.

As regards the affair of the Messrs. Vincent—the last upon this unhappy list—it illustrates strongly the jealousy and distrust that are among the motives of agrarian crimes. The Messrs. Vincent were the joint proprietors of an estate not far from the village of Emly, in the centre of the celebrated Golden Vale. They were desirous to effect a partition of the lands; but the surveyors they sent, on reaching the spot, were met by a party of armed men, with blackened faces, who warned them off, and fired some shots to hasten their departure. The only reason that can be assigned for this deed is that a report had spread that the rents of the estate were about being raised, and that the tenantry mistook the surveyors for valuators who had come for this purpose. No clue has been found to this outrage also, nor is it probable that its authors will be discovered.

These crimes bear the well-known marks of offences of an agrarian type. They all have one common object, to maintain the title of the tenant to his holding, according to a popular standard of right, and to punish those who attempt to disturb it. They have not been committed without provocation; but if we measure the provocation

with the crime they appear in a high degree atrocious. They are not the results of individual passion, but are systematic to a certain extent, and show the signs of a kind of method; they exact vengeance not only from the authors of what is supposed a wrong, but from those who, though innocent of it, help to carry it out, and become its instruments. They express, too, though in a monstrous form, the sentiments of a large class; their perpetrators usually elude justice; they obtain the sympathy of a people in no sense generally depraved or wicked. In a word, they are of the kind described by Sir George Lewis when he wrote of them in the worst stage of their evil development; and it must be allowed that their mere number does not form a true criterion of the range and prevalence of the spirit that prompts them. The expressions of Sir George Lewis, I regret to say, are still in a great degree applicable:—'The outrages in question are committed by the offenders as administrators of a law of opinion generally prevalent among the class to which they belong. In this character they look not merely to particular, but to general results; not merely to themselves, but also to those with whom they are leagued, and with whom they have an identity of interests; not merely to the present, but also to the future. The criminal who acts with these views is, as it were, an executioner, who carries into effect the verdict of an uncertain and non-apparent tribunal; and it usually happens that others profit more by his offence than he himself who committed it.'

I shall not at present attempt to trace the causes of these deplorable crimes. I shall only remark that, in my judgment, the existing relations of property here, though occasionally grievous in their working, would not give these misdeeds birth, unless they were to be traced to a spirit the product of grave social disorder.

CHAPTER V.

Cashel, August 10.

THE road from Tipperary to Cashel skirts the southern verge of the Golden Vale until you reach the hamlet of Golden, on the banks of the Suir, there a small river. The landscape is of the same kind I have described—great breadths of pasturage here and there, with streaks of yellow corn land between. Some interesting country seats are seen; and I admired especially the noble park of Thomastown, now the residence of the Comte de Jarnac, and the wooded hills of Dundrum in the distance, the fine property of Lord Hawarden. From Golden the scene begins to change; you ascend gradually to a wide expanse of uplands, occasionally rising to gentle eminences, until—crowned by the historical Rock, and almost hidden among hills and ruins—the ancient city of Cashel appears. Of Cashel it may truly be said that its present is less attractive than its past. It is a small, irregular, and dirty town of ill-built and often decayed houses, and it has nothing of the thriving and busy look that is a pleasing feature of Tipperary. The place is an example of the truth that riches are not always the way to prosperity; its Commissioners have an ample landed estate, which enables them to dispense with all local rates; but the rents seem to be scantily applied to the improvement of the streets and the few public buildings—to judge, at least, from their squalid appearance. Cashel, nevertheless, has scenes of beauty familiar, doubtless, to some of your readers. From the celebrated Rock, overlooking the town, and for ages sacred in popular traditions, and beside one

of those round towers the origin of which has baffled antiquarians, rise the mouldering walls and shattered parapets of the Palace of the Celtic Kings of Munster, while clustering beneath the hallowed spot are the venerable remains of religious houses. The Palace blends with an ancient fane, once the principal church of the vicinity, and is united to the ruins of the more modern cathedral, of which it is hardly more than the complement. The entire scene abounds in objects that touch a sympathetic mind with interest. The dim recesses and low-browed arches of King Cormac's chapel—the original church—have an uncouth yet solemn appearance. The graceful pillars, the high-pointed curves, and the noble symmetry of the cathedral, are fine specimens of what is called the Early English style. All around, on the grass-grown floor of the nave and transepts, or in niches in the walls, are the monuments of ancient Catholic bishops or of the former Catholic lords of the soil, whose names, as so often happens in Ireland, are to be found now among those of the peasantry. The Palace, a massive square flanked by circular towers, resisted the changes of time uninjured, until it was breached by Morrogh O'Brien, a soldier of fortune, who, though a descendant of the royal builders, did not hesitate to ply the batteries of Cromwell, that have left their traces on an adjoining eminence. I ascended the staircase, and rejoiced at the view—the Golden Vale spreading out in spaces of emerald and gold to the western sun, the horizon at other points being closed by an amphitheatre of hills confusedly tossed. The dignitaries of the Established Church, into whose hands they have passed by a strange succession, have taken more care of these beautiful ruins than usually has been the case in Ireland, where the representatives of Protestantism have not been zealous in preserving monuments that speak too eloquently of a fallen nationality and an

outraged religion. I was happy to see that in many places gaps in the masonry had been repaired, that gates closed the entrance to the cathedral, that a wall ran round the consecrated precinct. Yet, as I thought of the pile and its guardians, I could not but reflect on the unfortunate policy that for three centuries had committed these ruins, still dear to the hearts of the peasantry of Munster, to the custody of those whose fate it has been to be the symbols of a faith imposed by conquest.

The country round Cashel, for several miles, differs widely from that about Tipperary. It is for the most part an elevated tract of fine dry land with a limestone subsoil, that ascends from the edge of the Golden Vale, eastward, towards the distant hills of Kilkenny. The penetrating eye of Arthur Young perceived its aptitude for improved husbandry; he declared 'it was as fine turnip land as he had ever seen'; but in his day it was in a great measure an unformed and uncultivated sheep-walk, dotted over with numerous mud hovels. At the period of the Devon Commission this district had been long before enclosed; it was, in part, divided between the demesnes of gentlemen and the holdings of farmers of the better class; but to some extent it had been overrun by an indigent peasantry, who spread over the soil, living on potatoes, and paying their rents out of the scanty crops of oats and wheat they raised from their little allotments, as invariably was the case in Ireland before the Poor Law and the famine of 1846 in any tract that could be called corn land. There has been a great revolution since, and, though many traces of the past remain, the general result cannot be disputed. The land has been a good deal cleared, the surplus population in some places having altogether receded from it; and, with some not inconsiderable exceptions, it is now cultivated in a fair course of husbandry. In a few spots, especially at the edges of

the little streams that run into the Suir, fine permanent pastures may be seen; but, as a rule, the country is given up to tillage and sheep lands, rich with artificial grasses. Farms vary in extent, from 600 or 700 acres to patches that hardly deserve the name; but farms of about thirty and forty acres are common; and, if I except the very smallest holders, who, I think, must ultimately give way—unless, at least, what is not probable, they learn the secret of spade husbandry—the occupiers, on the whole, seem prosperous, and in many instances have laid by money. On the larger farms the fields are well squared, of considerable size, and well enclosed; and I saw a number of excellent homesteads, built evidently within the last few years, and furnished with the appliances required in modern agriculture of the best description. Lord Derby's estate, on the road to Clonmel, is, in a great measure, laid out in this way; and a colony of considerable farmers from England has settled upon a tract near Cashel, the property of Mr. Smith Barry. I paid a visit to one of these gentlemen, who, in a few years, has turned what was a waste, covered with the wrecks of small, ruined holdings, into a scene worthy of the best counties of England. I enjoyed the sight of his vast breadths of corn, fast yellowing under the sun of August; of his brilliant sheets of turnips, without a weed; of his pastures, dotted with the finest Leicesters; of his machinery and implements, from the best makers. All around the agriculture was of the same kind, and the prospect was gladdening to the eye; yet, as my host very fairly allowed, the Irish farmer of the neighbourhood, holding from fifteen to fifty-five acres, can, under reasonable conditions of tenure, compete fairly with his more powerful rival, though his fields have not such a trim look, and his fences and dwellings are often unsightly. The one has more capital and skill, better instruments, and a more

practised intelligence; but the other has not less natural energy: it is a silly libel to deny the capacity of the Irish tenant to work hard—he takes readily to an improved mode of agriculture, and he brings to his land, when fairly dealt with, the strong arms, the stout hearts, and the shrewd wit of his whole household. I am by no means satisfied, from what I have heard, that, all things being taken into account, he does not pay quite as high a rent, and secure as ample a share of profit, as his wealthier and more independent neighbour.

It is not, however, to be supposed that the whole of this neighbourhood is well cultivated, or that its state is, in all respects, prosperous. Mud cabins too often offend the eye, inhabited by a race of poor cottiers; and a few properties are still cut up into small patches, for the most part the abodes of a destitute peasantry. The estate of the Commissioners of Cashel is, in a great measure, of this character; and its condition deserves a few words of notice. It is parcelled out among small yearly tenants, in most instances holding at a very cheap rate. The farms are, with rare exceptions, ill-tilled, and the occupiers seem of an unthrifty class; the entire property illustrating a truth not confined to Ireland in its application—that corporate lands, though at low rents, are often neglected and badly managed. In some spots the traces remain of the immense revolution which has passed over Ireland during the last twenty years —the uprooting of masses of the people from the soil. The marks of ruined hamlets are occasionally seen; nor have the adjacent lands in all cases recovered from the exhausted state in which they were left. Nor is it to be supposed that this extraordinary change—always more visible in an agricultural district than in one appropriated for many years to grazing—has been accomplished without much hardship and loss, the effects of which will long continue; nor yet that the feelings engendered by it have

been extinguished in the hearts of all persons. 'There is hate on that land,' was the significant remark of a peasant who pointed out a fine tract, now rich with crops of turnips and corn, but from which hundreds of cottiers had emigrated. The spectacle of outward wealth, I doubt not, conceals evil recollections and passions. The colony of Englishmen I have referred to, by giving abundant and liberal wages, and by their fair and generous dealings with the people, have, so far as they are themselves concerned, completely conjured away these sentiments; they are liked and esteemed as benefactors of the poor, though in some instances they hold lands from which small occupiers have been 'cleared'; and this is noticeable, for as a general rule the agrarian spirit that exists in Ireland visits not only the evicting proprietor, but the succeeding possessor, with its savage penalties. Yet in some of these very cases, and in many others, a feeling of dislike, more or less strong, prevails against those who, as agents or landlords, are considered, often perhaps unjustly, as having been exterminators of the people; and this mars the general prosperity of the district.

The condition of the classes connected with the soil in this neighbourhood is very much the same as that of those about Tipperary. It is a great deal better than it was formerly; and, in a material point of view, it cannot, I think, be called unprosperous. The rate of agricultural wages at the period of the Devon Commission was seldom more than 8*d.* or 10*d.* a day; it is now from 7*s.* to 9*s.* a week, and is considerably higher during the weeks of harvest. The English gentlemen I have referred to give usually from 8*s.* to 9*s.*, with a cottage and potato-ground at a nominal rent. The labourers they employ are thus well off, and they have, of course, the best men in the market. On the whole, this class has not much to complain of; it is in a state of comfort compared with its condition before the great

famine, or in the days of Arthur Young; but it is, doubtless, penetrated in some degree with the vague discontent more or less prevalent. As regards the farmers, with the exception of the very smallest holders, who, as I have said, will hardly be able to maintain their ground—the expense of tillage, in a neighbourhood like this, being too great for a very minute area, unless the spade shall replace the plough—they unquestionably have advanced in wealth, and, as a body, they are in reasonably easy circumstances. The rate of rents here in the time of Arthur Young varied from about 12*s.* to 30*s.* the Irish acre, the amount of produce being perhaps two-thirds and the price of most of the articles produced, except corn, being probably not one-half of what it is now. When the Devon Commission held its enquiry rents had risen probably to 25*s.* and 55*s.* the Irish acre, and they have only slightly increased since—perhaps 3*s.* or 4*s.* upon an average—though the amount of produce has been augmented, and the price of most products is considerably higher. Speaking generally, therefore, the pressure of rent on the farmer is less than it has been; and, though doubtless exceptions occur, the land, having regard to its quality and its existing condition, is not rack-rented. From all the enquiries I have made, too, the holders of land to any fair extent are tolerably thriving as a class at present. They have in many instances money in the banks; and though their dwellings, their fields, and their fences too often have the appearance of poverty, this is not always a proof of the owner's condition.

The land system of this neighbourhood is, in a slightly perceptible degree, on a footing of a more satisfactory kind than that existing near Tipperary. Absentee proprietors are not quite so numerous, and the line between the owner and occupier of the soil is not marked so sharply by religious distinctions, for there are a good many Roman

Catholic landlords; these gentlemen, however, in most instances being not more popular than their Protestant fellows, and managing their estates upon the same principles. I think, too, as might have been expected in a district for the most part agricultural, that landlords here, at least of late years, have built farmsteads and improved the land, at their own expense, to a greater extent than has been the case about Tipperary, and a larger area, probably, is under leases. Yet the land system of the two districts, viewed as a whole and in its broad outlines, is essentially of the same character, and is attended by the same social phenomena. Large tracts belong to absentees, who very seldom visit their estates, and commit their tenantry to the care of agents. The mass of the owners in fee are Protestants, the mass of the occupiers being Roman Catholics; and this difference affects injuriously the relations between them to some extent, though the positive effects may be difficult to trace. As a rule—though with many and large exceptions, and these certainly on the increase—the improvements that have been made upon the land during many years have been made by the occupiers; yet in few instances have they received compensation. Though, too, they have acquired in this way what lawyers would call an equity in the land, which good conscience would certainly respect, they have generally no certain interest in it; for the most part they are tenants-at-will, and leases are comparatively uncommon. They are thus reduced to mere vassalage, with moral rights they cannot vindicate; and, what is worse, it is the immediate interest of those against whom these rights exist to repudiate, or at least to disregard them. Nor is this all; for in this state of things the landed proprietor may increase his rents as his tenants improve, and surcharge their industry unfairly. He may, in truth, exercise all kinds of oppression; and though such wrongs may be infrequent

here, I heard at least of one notable instance. In this neighbourhood, as elsewhere, the goodwill of farms is often sold, and, whatever may be thought of the practice, it certainly ought to be respected on estates where it has become usual. Yet I was informed of a case in which a landlord allowed an incoming occupier to pay 600*l.* for the goodwill, received a considerable part of this sum in respect of irrecoverable arrears, and afterwards, without any just reason, evicted the purchaser, simply because he was technically only a yearly tenant. I am not satisfied that this tale of wrongful injustice is wholly true; and such iniquities could not often happen, for otherwise the custom would never grow up; but the mere possibility that occurrences of this kind can take place repeatedly, uncondemned by law, must have a mischievous social tendency. If we recollect what a widespread effect a single example of gross fraud may have in shaking mercantile confidence, I cannot wonder that the farmers about here, who live under this condition of things, should feel insecure and dissatisfied, though at this moment pretty well off; especially if we add that, though now infrequent, evictions have been extremely numerous in this neighbourhood at no distant period.

Being at Cashel, I have been induced to visit the well-known Mr. Charles Bianconi, the successful founder of the 'public cars,' which for forty years were the chief vehicles for cheap passenger traffic in Ireland. I wished to see a personage on whose great experience of Irish character and energy and skill it would be unnecessary for me to dwell, and who I hoped would give me valuable information. Mr. Bianconi—who has been a large landed proprietor during many years, and who lives at a handsome place near Cashel, enjoying in a still green old age the ample reward of an honourable career—received me courteously, and explained his mode of managing his own

estate, and made some striking remarks on the general question. As might have been expected, a very able man, who perfectly understands the value of money, yet appreciates the necessity of encouraging industry, and has been long accustomed, not only to deal with the people, but to place reliance in them, administers his property on a sound, yet liberal and equitable system. He lets his lands at the rents he thinks them worth; believing, justly, that a too low is nearly as mischievous as too high a rent; but he makes all improvements on his farms himself, puts them in good order before they are occupied, and, with hardly an exception, gives leases. As he truly observed, by these means he acted rightly to himself and to his tenants; he guarded against claims being made on account of the outlay of others, to reject which would be simply unfair, yet to concede which would be often absurd, and which would be very difficult to adjust; and he placed his tenants in a position in which only they and he could be safe and they could be expected to do the land justice.

Mr. Bianconi gave me a remarkable instance of what he had found to have been the effect of merely substituting a durable for a precarious tenure, of enlarging tenancies-at-will into leaseholds. In 1865 he purchased two lots of the Portarlington estate. The rental of the lands was 305*l.*; they were held 'by tenants-at-will, who formed a lazy and beggarly population,' and the rents were in ordinary seasons in arrear. Mr. Bianconi increased the rental to 473*l.*; but he gave the occupiers leases for thirty-one years, and the result has been that, without the expenditure of a shilling upon the part of the landlord, except in the repair of farmsteads, the higher rent has always been paid, 'and the tenantry are now a contented yeomanry.' This seems astonishing, but, after all, only illustrates the truth that security is the first

condition of social progress; that, as Arthur Young remarked ninety-three years ago, 'the having leases creates industry in Ireland'; and that, give him a fair field and a certain title, the Irish tenant can accomplish wonders. Mr. Bianconi thinks that the land question would have never arisen had the Irish landlords improved their estates wholly at their own cost, and been liberal in giving leases. They would have thus excluded the ill-defined claim now set up on behalf of the tenant in respect of his additions to the soil, and verging upon an assertion of a proprietary right, and they would have made the peasantry comparatively independent. 'But,' he added significantly, 'it is now very late; the landlords, from a variety of reasons, have chosen to keep their tenants in subjection; wild and foolish ideas have got abroad; *and I fear lest the tenants may before long become too demoralized and excited to be satisfied with the concession of leases.*' I need not say that I have the authority of this respected and intelligent gentleman to repeat the substance of his remarks.

The agrarian spirit exists here, but it is not, I trust, quite as violent as in the neighbourhood of Tipperary. Yet I would not draw too marked a distinction. Few landlords near Cashel would, I suspect, order a notice to quit to be served; several threatening letters have been current, and I heard of one gentleman who has thought it expedient to leave the country before beginning an ejectment. The notion that the tenant has a right to the soil, which I alluded to in a former letter, is spread about in the same way, and hopes of some coming change are cherished. There has been, however, but one bad murder of late; and, but that the authorities seem to have no doubt, I should hesitate to pronounce it purely agrarian. The circumstances are peculiar, and were communicated to me from a source

I can rely on confidently. As far back as 1850 a Mr. Topping evicted a Mr. Fitzgerald from the possession of nine acres of land. This caused a feud which seems to have never quite ceased; and in the course of time —for the old story of Montague and Capulet repeats itself—Mr. Topping's son married one of the Fitzgeralds. The smouldering discord of late grew worse, and a few months ago Mr. Topping was shot. This crime, like so many others, is undiscovered. If it be agrarian, it certainly shows that the agrarian spirit can harbour the thought of vengeance during a long period, and does not allow limitations of time to operate as a bar to its penalties.

CHAPTER VI.

Clonmel, August 13.

As you drive from Cashel to this place you cross a fine agricultural country beneath the western slopes of Slievenamon—the first scene of Mr. Smith O'Brien's rebellion, —until you reach a gentle declivity, whence you look down on the roofs of Clonmel nestling in the fertile valley of the Suir, and with a lofty range in the near distance. Arthur Young grew eloquent in describing this view—'the town,' with a broad space of wooded 'enclosures,' 'backed by a ridge of high mountains'; and time, doubtless, has added features of civilization and beauty to the prospect. Clonmel stands on the banks of the Suir—here a broad, deep, and navigable stream—and in the midst of a narrow plain, rich with trees, villas, gardens, and pastures, over which to the southward the dark masses of the Commeraghs hang and close the horizon. Though still possessing a good deal of trade, and with a population of some 11,000 souls, the place, I hear, has declined relatively to other towns in the county of Tipperary, and has made little progress in a quarter of a century. In former years it was a local emporium for the export of corn for miles around, and in the 'good old times' of protection a considerable milling interest grew up, by which several citizens made large fortunes. New markets have since been opened elsewhere, through the extension chiefly of the railway system; and free trade having greatly reduced the amount of corn raised in the neighbourhood, the principal industry of the town has suffered, and has not been replaced by any other. I saw one or two fine mills shut up, and heard numerous complaints that Clonmel was not

the place it had once been, and was gradually losing its rank in the county. It is not easy to test the accuracy of these reports; but from the general look of the town I am inclined to think there is some truth in them, and I believe that, owing to this comparative decay, a large average of the population is usually unemployed. Clonmel, nevertheless, is still the centre of a not inconsiderable traffic; its admirable situation upon the Suir will probably cause it to revive before long; and the country around, for some distance, bears the marks of old and settled prosperity. The town itself is merely a mass of square slated houses and narrow streets, without a pretence to architectural taste, and ending in the suburb of cabins which you see continually in the South of Ireland; and, with the exception, perhaps, of the Episcopalian Protestant Church, the public buildings are without interest.

For a short distance around Clonmel the town runs gradually into the country; villas rise from the midst of trim pleasure grounds, and mills, with trees here and there between, throw their shadows over the course of the Suir. Beyond, in the valley of the fertilizing stream, fat pastures, thick with fine cattle, extend; and thence, on the left bank of the Suir, green, natural terraces ascend to uplands, rich with meadows and oat and wheat crops, while from the right bank the Commeragh range rises gently almost from the verge of the water. The slopes on either side of the river are for miles occupied at short intervals by parks embosomed in dense plantations, and crowned here and there with very fine mansions. The prospect is all of this kind from Knocklofty above to Gurteen below; and, as a whole, it is exceedingly beautiful. Like Arthur Young, I did not fail to visit and admire the high, wooded steep of Marlefield, now the residence of Mr. Bagwell, M.P.; and I walked over the grounds of Newtownanner, still, as it was a century ago, in the hands of an old and popular family, at

present represented by Mr. Bernal Osborne. On the higher uplands are several interesting seats, spreading out in masses of wood on all sides, and I have seldom met a view in the South of Ireland that has so rich and civilized an aspect. The general character of the surrounding country is that of peaceful and not unprosperous industry. For generations the wealth of Clonmel has flowed fruitfully over this district, has covered it with objects that attract the eye, and has stamped it with the peculiar marks that denote regular and long-established cultivation. The whole scene has not the natural fertility of the magnificent grass lands about Tipperary; it does not, except in a few places, give proofs of the scientific husbandry that you see at some spots not far from Cashel; but it has the look of more settled tranquillity, of social order more happily developed. Tillage and pasture here seem about equally divided. The farms vary from two hundred to fifty, twenty, and even five acres, from fifty to twenty being common; they are usually well enclosed and fenced. The character of the agriculture, though seldom excellent, is, with few exceptions, reasonably good. Well-built and slated homesteads and offices are tolerably frequent in the fields, and they seem often of an earlier construction than those near Tipperary and Cashel. I took care to visit a tract in this neighbourhood that I expected to find especially interesting. Arthur Young tells us how, in his day, Sir William Osborne, of Newtownanner, encouraged a colony of cottiers to settle along the slopes that lead to the Commeraghs, and how they had reclaimed this barren wild with extraordinary energy and success. The great-grandchildren of those very men now spread in villages along the range for miles, and, though reduced in numbers since 1846, they still form a considerable population. The continual labour of these sons of the soil has carried cultivation high up the moun-

tains, has fenced thousands of acres and made them fruitful, had rescued to the uses of man what had been the unprofitable domain of Nature. These people do not pay a high rent; they are, for the most part, under good landlords; but I was sorry to find that this remarkable and most honourable creation of industry was generally unprotected by a certain tenure. The tenants, with hardly a single exception, declared they would be happy to obtain leases, which, as they said truly, would 'secure them their own, and stir them up to renewed efforts.'

On account, probably, of the large number of people without employment in Clonmel, I heard more complaints about the lowness of the price of labour in this neighbourhood than either at Tipperary or Cashel. Yet I do not think that agricultural wages are less than from 6*s.* to 9*s.* a week, on an average, all the year round. On some farms they are considerably higher; and, though there is a good deal of poverty in Clonmel, I saw but few signs of it in the country. As for the rent of land, it varies from 5*l.* to 7*l.* the Irish acre for plots immediately about the town, to 30*s.* and 3*l.* in the rural districts; and though I have heard, of course, of rack rents—and such instances doubtless occur—I am satisfied, considering the present prices, that the land as a rule is not overrented. Neither Arthur Young nor those who compiled the Report of the Devon Commission have, curiously enough, mentioned what was the rate of rent here at their respective periods; but, following the analogy I have drawn out in preceding letters, it is tolerably certain that the burden of rent in this neighbourhood is not so heavy in 1869 as it was in 1779 or 1844. The whole land system of this district, upon a circle of several miles, is decidedly upon a more sound footing than that of Tipperary or Cashel; and I am happy to say that the general relations between the owners and occupiers of the soil are more satisfactory. I do not mean

that there is not much which a candid observer must view with regret; that there are no checks upon social progress; that the husbandry of many farms is not backward; that precarious tenures and the long train of mischiefs inseparably connected with them, in such a state of society as exists in Ireland, are not extremely and too common, or that numerous instances of wrong done to tenants might not be quoted and put together; nor do I suppose that the evil influences and notions prevalent elsewhere in Ireland are not to be found in this neighbourhood. But I think that whatever is most objectionable in the order of things near Tipperary and Cashel only exists here in a mitigated form, and that the effects can be distinctly traced in the sentiments and ideas of the people. I shall not consider the relative numbers of the owners of the soil in this district, as they are divided by differences of creed; but a very large proportion of landlords near Clonmel—and those of the more influential class—reside more or less upon their estates; and you see at once the fortunate results not only in mere material improvement, but in a kindlier mode of dealing with the peasantry and a more equitable management of landed property. Bad landlords are not much complained of here. I have heard of many excellent landlords whom their tenantry regard with esteem and affection; I would mention especially Lord Lismore, Mr. Bagwell, and the heads of a House for many generations revered in Ireland—young Lord Ormonde and his honoured mother. Persons of this class, living much at home, and setting a good example to all, have contributed powerfully to ameliorate the relations of landlord and tenant in this district; and perhaps the proximity of a considerable town, and the commercial spirit which it diffuses around, may have co-operated in the same direction. Leases are given here comparatively freely, and in some instances the landlords either

make all improvements on farms themselves, or allow a liberal compensation for them. I heard of a case on Lord Ormonde's estate where a sum of 2,200*l.* was paid to a tenant on this account, without any positive engagement whatever. As I thought of conduct in such contrast with the sharp practices of some Irish landlords, I could not wonder that the tenantry of an estate purchased lately by this distinguished family expressed their well-founded delight by illuminating the adjoining hills with bonfires.

This is not the place to examine at length the general subject of tenants' improvements, or the difficult questions arising from the fact that so much of the benefits that have been added to the soil of Ireland during a long period has been the work of occupiers with precarious tenures. I reserve considerations of this kind for a subsequent stage of this enquiry, when I shall have collected more evidence, and your readers will have more ample materials to draw satisfactory conclusions for themselves. Here I shall only say that if Irish landlords had acted generally as, in not a few instances, landlords in this neighbourhood have acted—had they taken care to construct and maintain, at their own expense, the appliances necessary to put their farms in good order—not only would the agriculture of this country be more advanced than it is now, but the claims now urged by many on behalf of the tenantry of Ireland could never have arisen, and statesmen would not be required to deal with that perplexing and formidable problem—how to adjust the equitable right of the occupier, in respect of uncompensated improvements, without tampering with the legitimate rights of property. In making this observation I must not be understood as denouncing the landlords of Ireland as a class as 'being extortioners or unjust,' or as holding them up to popular odium. Such a charge would

be not only untrue, but in the highest degree unwise and shallow; and I have no doubt that examination will prove that a state of things which, at first sight, seems to argue great improvidence or neglect, is in the main attributable to peculiar circumstances and influences in the land system of Ireland. In consequence, however, of the relations between landlord and tenant in this neighbourhood being, on the whole, better than I found them to be in the neighbourhood of Tipperary and Cashel, I noticed, I think, a perceptible difference in the feelings and inclinations of the people. I heard, indeed, a good deal of complaining; talk not unfrequently of hardship and wrong; discontent in various and many forms; I had to listen occasionally to the wild assertion of the right of the peasant to the soil he tills; and in several instances I saw indications of the agrarian spirit that could not be mistaken. Nevertheless, the impression left on my mind was that of less irritated sentiments, of a tone of thought more moderate and just, than I had met in the other places I had visited. Agrarian crime has long been unknown here; and many tenant farmers seemed to delight to acknowledge their regard for their landlords. I perceived numerous signs of satisfaction with the existing arrangements of landed property, and of confidence in those who possess or manage it. Above all, I heard the tenant question discussed often without an allusion to extravagant or impossible demands, and from a point of view that shows that the Irish tenant, when the state of things amid which he lives is even tolerably sound and equitable, can think justly upon this exciting subject.

As a proof of this, I give you the substance of the remarks of a very intelligent man on whose farm I happened to walk. He held sixteen or seventeen acres of land, now in a very fair state, but evidently once a barren tract of heath. On this plot of ground, which, he assured me,

had been wholly reclaimed by his father and himself, he had built a tolerably good slated homestead, but he was merely a tenant from year to year. His rent was certainly not high—I think 15*s.* the Irish acre; but it had been raised twice within twenty years; he had received nothing for his improvements; and, upon an ordinary calculation, many years would elapse, even if his occupation were prolonged, before he could be reimbursed for his outlay. I asked this man what he would consider a fair settlement of the tenant question, expecting that he would boldly assert an indefeasible title to the soil. He expressed himself well satisfied with his landlord, who, he said, 'was too just to disturb him; but,' he added, 'I should like to have a lease of thirty-one years at a fair rent in respect of having reclaimed the land, and of sixty-one years in respect of the house, which cost more than the land was once worth.' To minds accustomed to a state of things in which a case like this could hardly arise, the whole value of this land having been given to it by the occupier only, this claim may seem irrational and wild; and I can anticipate the objection that the tenant ought, before improving, to have insisted on obtaining the security of a lease, and that he has now, even morally, no rights whatever. Yet, if we recollect the position of this peasant—a poor tenant at the will of his landlord—this objection, in conscience, loses much of its weight; and as for the extravagance of his demands in the abstract, what said the most philosophic of statesmen, the most jealous upholder of the rights of property? Edmund Burke remarked, when commenting upon the mischief done by the Penal Code, in limiting the duration of the interest in land which Roman Catholics could enjoy in Ireland, '*A tenure of thirty years* is evidently no tenure upon which *to build*, to plant, to raise enclosures, *to change the nature of the ground*, to make any new experiment which might improve agriculture, or do anything

more than what may answer the immediate and momentary calls of rent to the landlord, and leave subsistence to the tenant and his family.'

In writing thus I must be understood as not indicating in the slightest way the general principles on which, in my judgment, the Irish Land Question ought to be settled. I confine myself to this particular case, and simply contend that from his point of view it cannot be said that this humble man made a claim opposed to natural justice. I met, while travelling about this place, not a few instances of an inclination on the part of tenants to consider their relations with their landlords in a not inequitable spirit, and I heard less often than I had heard elsewhere pretensions to the ownership of the soil implied. Yet I do not mean to convey the notion that the land system of this neighbourhood is altogether in a satisfactory state, or that social phenomena do not exist of a kind to cause regret and concern. Agriculture is in some places backward; discontent is more or less prevalent; you see too often signs of vague dissatisfaction. Nor should it be forgotten that only two years ago Clonmel was a principal seat of Fenianism; and though this movement is not identical with that which seeks great changes of rights in the land, it is in a certain degree allied to it. I made particular enquiries on this subject from persons fully informed and trustworthy, and their answers were not, on the whole, reassuring. The Fenian movement here was chiefly confined to the rabble of the town—which, as I have said, is always to some extent unemployed—and to some enthusiasts of a higher order. The farmers, as a class, took no part in it, and did not even openly sympathize; they seem to have feared it a good deal, and they obeyed willingly the injunctions of the clergy of the Roman Catholic Church to keep aloof from it. But they showed no signs of supporting the law; they remained

neutral, and apparently indifferent; and, as a most experienced gentleman told me, 'there is no knowing what they would have done had a rising been successful for a week.' This state of feeling exactly corresponds with the account given by Lord Mayo in 1868, when Chief Secretary for Ireland; it shows that, even in a district at present very peaceable, and in a great measure prosperous, a sentiment lurks in the heart of the class which is the main source of the wealth around connected too closely with disaffection.

CHAPTER VII.

Nenagh, August. 18.

THE line from Clonmel to this place, by Limerick, diverges from the valley of the Suir along uplands of no great interest until you reach the little town of Cahir. Here it touches the extreme slopes of the Galtees, and, crossing the valley of Aherlow, runs for miles westward through the Golden Vale. As you advance into this magnificent tract the bounty of Nature seems to increase in proportion to the remissness of man; the noble pastures become more rich, the signs of good husbandry grow less frequent. No estate, from the Limerick Junction to Limerick, can be compared to that of Lord Derby as regards the external signs of prosperity. The character of the country is that of marvellous but undeveloped fertility; the broad expanses of radiant verdure are ill-fenced, ill-squared, and not half-drained, and there is a marked deficiency of good farm buildings. As you draw close to Limerick the usual influences of a large city make themselves felt; cultivation appears more careful and trim; you pass enclosures and market-gardens, and the scene is animated with more traces of industry. Turning from Limerick to the north-east, the train penetrates the low lands between the Shannon and the high mountain range that divides Tipperary into its two Ridings; and, after going through a district traversed by streams descending to the great river, and in places extending into wet flats, you reach a fine wide plain, surrounded by hills, from the centre of which rise the low roofs, round tower, and steeples of the town of Nenagh. This place is the capital of the North Riding of Tipperary, yet does not differ in any

respect from the ordinary small country towns of Munster. It is composed of the usual main street of plain square houses with slated roofs, intersected by streets of the same kind, edged on all sides with lanes of mud cabins; and, as often is the case with towns in Ireland, its most conspicuous public buildings—besides rather a pretty Court-house and a quaint old bastion, lately repaired and known by the name of the Round of Nenagh—are the large union workhouse, the gaol, and the barracks. The trade of Nenagh is wholly confined to agricultural produce and retail commodities, and the place has rather a decaying aspect. The population, as has been the case with the inland towns of Ireland generally, has declined between 1851 and 1861 from 7,349 to 6,282 souls.

The country round Nenagh for several miles presents a great variety of features. The plain, of which the town is the central point, is a broad and generally fertile table-land, here and there swelling into gentle eminences, and spreading out into fine corn land and pastures, interspersed with farmhouses and country seats. The landscape is pleasing, tranquil, and rich; signs of wealth and good cultivation are numerous; the breeds of cattle and horses are excellent; many of the homesteads, roofed with the thick, dark slate peculiar to the neighbourhood, are well built; and the crops, ripening under the August sun, give a fair promise of an abundant harvest. This tract, though very inferior on the whole in fertility to the Golden Vale, contains, nevertheless, much valuable land; and, as a great part of it is laid out in tillage, it has the look of industry that in most places belongs to an agricultural district. All around the horizon is closed by hills in irregular lines at considerable distances—a range to the south, crowned by the high Keeper, being the boundary between the two Ridings, while the Duharrows shut out the Shannon to the west; to the north rises the cone of

Knockshegowna, and the far Slieveblooms spread their line eastward. As you approach the slopes of the nearer mountains the land becomes more poor and thin, flocks of sheep replace the cattle in the valley, stone crops out of the half-enclosed fields, good farmhouses become infrequent, and the whole scene has rather a barren aspect. When, however, at the little village of Portroe, you cross the extreme edge of the Duharrow range, and descend into the lowlands beneath, a most beautiful landscape gladdens the sight. The broad Shannon at this point has expanded into a vast brimming mere, between heights that incline to the water and end in terraces and banks of green, crowned with woods and formed into parks and enclosures, from which rise the roofs of many a fine mansion. From this, its southern and most picturesque limit, Lough Derg stretches in breadths of grey between islets and eminences northward; and the whole scene, with its blended features of sublimity, richness, and fine culture, is only surpassed by that of Killarney. I visited the possessor of one of the handsomest places on the Tipperary side of the lake, and was charmed with the almost tropical vegetation, peculiar to a few favoured spots in Ireland in our northern climes. The holly, the arbutus, and the rhododendron grow here to the size of real trees; and, as if in a garden of the Hesperides, the golden fruitage of the orange and lemon trees, planted out on a turf of exquisite green, mellowed in the warm, moist, and prolific air.

The social economy of this neighbourhood does not differ in many respects from that of most other parts of the country. Farms vary in size from two hundred to ten and fifteen acres, Irish measure—that is, compared to English, about five to three—and are fairly divided between pasture and tillage. Some farms are exceedingly well cultivated, and have excellent homesteads and offices;

the majority cannot be described as good; a large proportion have a slovenly appearance. In consequence, doubtless, of the proximity of the abundant quarries at a short distance, slate roofs cover a very great number of houses, but you meet many thatched mud cabins, especially along the skirts of the mountains. Agricultural wages, which at the time of the Devon Commission did not exceed 4*s.* or 5*s.* a week, and were even less, now range from 6*s.* to 10*s.*; farm servants living with their employers receive from 10*l.* to 14*l.* a year and their food; and, owing probably to the demand for labour in the slate quarries, I heard fewer complaints on this head than when I was at Clonmel. On the whole, the condition of the agricultural labourer at the present time is reasonably good; he appears tolerably well clad and fed; and the immense emigration of this class which has taken place during the last twenty years in this and other parts of the county is fast diminishing, and will soon probably cease. The rent of land in the days of Arthur Young varied from 10*s.* to 25*s.* the Irish acre; at the period of the Devon Commission it had reached from 15*s.* to 55*s.*; it has only very slightly advanced; and, following the proportion I have before made, I have no doubt that it is now less burdensome than it was twenty-five or ninety-three years ago. Although differing in a few particulars, the land system of this neighbourhood is, nevertheless, essentially the same as that which prevails throughout the country, and is attended by the same general consequences. The great majority of the owners in fee are Protestants, the mass of the farmers being Roman Catholics; and this circumstance, no doubt, causes a certain amount of social antagonism. The few Roman Catholic proprietors, however, that are found, are not more liked than their Protestant equals; indeed, some who have been introduced through the operation of the Landed Estates Acts were

described to me as being very unpopular. Absenteeism prevails to a considerable extent, and is accompanied by the usual results in severing the occupier from the owner of the soil, though some of the absentee estates are administered upon an equitable system. A larger number of moderate-sized estates occurs in this neighbourhood than elsewhere; the owners of them are usually resident, and some are certainly good landlords; but I have heard several condemned as unjust and grinding, and not a few, I believe, are embarrassed and needy.

These conditions of the ownership of the soil, though consistent with a certain amount of prosperity, cannot, even when viewed by themselves, be pronounced to be of a good tendency. Turning to the state of the occupying tenantry, I found it, generally speaking, the same as that in the other places I visited—that is, it is not, on the whole, unprosperous, considered in a material point of view, but there is a great deal to cause just dissatisfaction, and elements of serious disorder are latent. I heard, as usual, some complaints of rack rents, and instances, as a matter of course, might be cited; but I am satisfied that the land is not generally rack-rented; with rare exceptions, rents have not risen in anything like proportion to prices; and as a rule the farmers are well off, many of them having good balances in the banks, the accumulations of years of successful industry. Passing, however, to the circumstances of the occupier's tenure, I met, in rather an aggravated form, the whole train of unfortunate phenomena to which I have already directed attention. The landlords, with very few exceptions—much fewer than in the neighbourhood of Clonmel—have done very little in the way of improvement, and almost everything that during many generations has been added to the value of the soil has been the result of the labour of the tenantry. Yet leases in this district are exceedingly rare, even for the

most brief agricultural terms. On some estates they are peremptorily refused, and that sometimes, I believe, most unjustly; and thus the class which, in point of fact, has well-nigh created the wealth of this neighbourhood has no certain interest in the land in which its capital and industry have been sunk, is liable to be extruded from it at a six months' notice without a shilling of compensation, or may see its legitimate profits filched away by a dishonest increase of rent by the landlord. Such a state of things, whatever the cause, is obviously injurious to the general welfare, and makes the tenant a mere dependent, exposed to wrong of every description; and, though I am far from saying that the landlords here have abused largely their enormous power, I have been told certainly of some painful instances. Thus it has been said that on some estates notices to quit are regularly served every year, in order to give the landlords the means of raising the rate of rent as they please, and I have been informed of cases in which a widowed tenant has been forbidden to remarry, from mere frivolous whim and caprice—a restriction which, if it were in a contract, would be clearly contrary to public policy, being thus made a condition of tenure. A good deal of coercion, too, has been practised, even of late years, at elections; and when I add that, precarious as they are, the sale of farms held at will is common, that great prices are given for these interests, and yet that the landlords may extinguish them as they please, this order of things must be described as at least being open to frightful abuses.

I shall not at present discuss the question—reserved till I shall consider hereafter the land system of Ireland as a whole—to what extent these deplorable anomalies may be charged on landlords or tenants in Ireland, or whether they are not rather due to a complication of unfortunate circumstances. I must here, however, anticipate an ob-

jection that is certain to occur to many of your readers. The greater portion of the land of England, probably, is held under tenancies-at-will, and as this state of things is not fruitful of evil, why should we suppose the result to be different in Ireland? But, in the first place, a tenant-at-will in England receives his farm in good order from his landlord, and, as a rule, never sinks capital in it; the Irish tenants-at-will, or their predecessors, in most instances have entered holdings that were in a rude, uncultivated state, and have deposited in them the fruits of years of industry. In the second place, the tenant-at-will in England is, speaking generally, a man of substance, who can deal with his landlord at arm's-length; in Ireland he is, for the most part, a mere peasant, who can seldom contract on terms of equality. Again, too, the feeling between landlord and tenant in England is more kindly than in Ireland, and more calculated to lead to liberal dealing; and, above all, the taking of land in England is regulated in part by local custom and in part by the competition of capital; in Ireland it is still regulated in some degree by the competition of poverty. The case in England is that of a fair partnership, in which the partners, if they unite their funds in the common stock, do not confuse their shares, and stand on a footing sufficiently equal; the case in Ireland is that of an association, in which the weaker party is often practically compelled to expend largely without being able to obtain security for his expense, and has nothing to trust to for a return but the honour or forbearance of the stronger, whose apparent interest is the other way, who is sometimes not well disposed towards him, and of whom he is usually the mere dependent. The cases, therefore, are essentially different; and to apply principles, that as respects one may not be attended with tangible evil, to the other, which is entirely distinct, is false logic, and, may be, bad legislation. I proceed to give one or two illustra-

tions of this vicious system in this neighbourhood, taking, probably, a very favourable instance. Close to this town is the fine estate of Mr. Stafford O'Brien, well known as one of the most popular of Tipperary landlords, and, though unfortunately usually an absentee, liked by the people and generally respected. His agent, too, bears a high character, and I do not doubt has never entertained a thought of doing an intentional wrong to a tenant. I walked over the lands, was pleased with them, and entered casually into conversation with the good dame of one of the most substantial occupiers. There was an excellent slated house on the farm, that cost probably 150*l.*; and this and the adjoining offices had been built, she informed me, out of her marriage portion. The rent was, and always had been, at a fair value; her husband was merely a tenant-at-will; yet he had never received a penny of compensation or any equivalent that I could discover, and he had neither a lease nor a prospect of one. I asked why he had been so unwise as to lay out his money on another man's land without a particle of real security. She replied, pointing to a ruined cabin, 'That was all the accommodation when I came here, and a decent couple could not live in it.' I then asked why he had not applied for a lease, and with what tenure he would be satisfied, regard being had to his outlay. She answered that Mr. Stafford O'Brien preferred his people to trust to his word; that they did not like to trouble his honour; that perhaps his agent and he would not be pleased; that the land would possibly be revalued if an application for a lease were made; and, of course, that a mere twenty-one years' lease would, in such circumstances, be of no advantage. Things might as well remain as they were, trusting to a gentleman who was good to the tenant and kept faith, unless they could get a term of fifty or sixty years; that would be of real use to them.

In another case, on the same estate, a house, worth about

250*l.*, had been built under similar circumstances, and I heard comments of much the same character. Such instances—and I select purposely an estate that bears a good name—deserve, in my judgment, serious attention. Here is a tenant who is actually forced, if he would maintain his wife and family in comfort, to invest his capital in his landlord's land, unless he chooses to run the most doubtful chance of being able to find a farm elsewhere. He adds enormously to the value of the property, the owner and his agent consenting; but he does not obtain any return except the bare continuance of occupation; and for this, being a yearly tenant, he has not even a shadow of security. He is perfectly aware of his precarious position, and would gladly, if he could, be assured a tenure that would restore his outlay or confirm him in the possession to which, until compensated, he has a moral claim; but, though his landlord is an upright man, and is deservedly liked in the neighbourhood, he is beset by a vague fear that, if he shall make this equitable request, he may displease the superior he dreads at heart, that he may give some unknown offence, that he may bring unpleasant consequences on himself; and he prefers to remain in perilous uncertainty, trusting to 'a word which may be as good as a bond,' but which is neither equally clear nor durable, to seeking to procure a guarantee to which he is unquestionably entitled, but the concession of which will, he thinks, be distasteful. Does not such a case throw a light into the recesses of the land system of Ireland, and show how, in its existing condition, it works injuriously to the public good, how it may generate ill-will, mistrust, want of confidence, and how it may lead to cruel injustice? And if such things are done in the green tree, what may be done in the dry? If cases like these are of common occurrence on the property of owners who merit esteem, and who would not actively commit a wrong, what may and does

happen on estates of which the owners are of a different character, or are tempted by embarrassments to appropriate what in conscience belongs to others? I know it will be replied that all this is theory; that Irish tenants do not care for leases, that they actually like being tenants-at-will—silly plausibilities with which ignorance or self-interest endeavour to set aside reason. It is likely enough that many tenants in Ireland in a similar position to the one I have described would never put forward a claim to a lease; nor should I blame them, if they professed themselves dissatisfied with an ordinary term of twenty-one years. But, notwithstanding some sapient notions to the contrary, Irish nature resembles human nature. It likes reaping where it has sown; it prefers security to ruin and uncertainty; and there is nothing an Irish tenant prizes in the abstract so much as a durable tenure.

The neighbourhood of Nenagh has been free from agrarian crime during several years. Yet in this, as in other parts of the country, the agrarian spirit more or less prevails. Few landlords would, I think, dare to provoke it. It affects perceptibly the management of property. There is a curious equity in this evil spirit which in most instances is respected. The great object of the popular desire being to retain the occupier of land in possession, but subject to a not unreasonable rent, it seldom visits with its vengeance a landlord who evicts a defaulter in this respect, but only those who evict on what is called 'title'—that is, after a notice to quit. This is exactly similar to Trades Unionism, which, like other confederacies, has its standard of right, from which it does not readily deviate, and which assumes the mask of justice in the commission of crime. Here, as elsewhere, as I went among the peasantry, I heard of vague demands for 'fixity of tenure,' and wild assertions of a kind of right to the soil; but such expressions were not well-defined; and in most instances the claim was restricted to

a Tenant Right upon the sale of goodwill, and to an extension of occupation which would give compensation for past improvements. One rash enthusiast said to me boldly, 'We have pulled down the tyrant Church, and we will next pull down the tyrant landlords'; but, as a general rule, I heard the tenant's case put forward in a tolerably rational manner. One very important class of persons was more open or more precise in its philosophy with respect to the Land Question. I have had the honour of being introduced to several heads of the Roman Catholic Church, and these prelates, whenever they touched the subject, seemed not to have extravagant notions, to appreciate the problem in its various bearings, and to understand the great difficulty of solving it on the principle on which it must be settled—respect to existing rights of property. But nearly all the younger Roman Catholic clergy whose ideas on this matter I have endeavoured to ascertain have been more absolute in their tone; have denounced the landlords, as a class, severely; and have declared, with remarkable unanimity, that nothing ought to content the tenant save a perpetual or very long interest, at a rent to be adjusted by the State. This language, from the lips of men who possess extraordinary influence over the people, is significant and deserves to be noticed; I shall not speculate whether it is the genuine expression of the sentiments of their flocks uttered by pastors comparatively in a state of independence, or whether it is the peculiar conviction of a class unhappily during many years not a little hostile to Irish landlords, and too prone to involve them in a sweeping condemnation.

CHAPTER VIII.

Nenagh, August 21.

I SHALL postpone the consideration of the causes that have led to agrarian crimes in Ireland to the period when I purpose to review the land system of the country as a whole, and to draw a comprehensive picture of it. As Tipperary, however, was the birthplace, and has always been the focus and centre, of these deplorable deeds of violence, I think it advisable in this letter to give you a brief historical account of the origin and phenomena of the agrarian crimes which, with short intervals of intermission, have disgraced this county for more than a century.

The state of society in this district was favourable from a remote age to the development of tendencies and sentiments among the people akin to the agrarian spirit, and it witnessed repeated scenes of lawlessness that partook of an agrarian character. Before the close of the twelfth century the Anglo-Norman conquerors of Ireland had taken possession of these fertile lands, and had planted military colonies in them, that held the vanquished natives in subjection. The Celtic chiefs, however, and their broken clans found a refuge in the hills and wild mountain glens, and from these fastnesses often poured down in fierce raids upon the intruding stranger who had banished them from their ancient heritage. The contest, which in this way assumed the form of a protracted struggle for land, continued during many generations, and was prolonged by the unhappy circumstances which mark this period of Irish history. The barbarous legislation of the Conventions of the Pale drew a deep

and impassable line of distinction between the English settlers and the tribes of the Irishry; and by prohibiting intermarriage between the two races, by elevating the one to Spartan superiority, and by lowering the other to Helot degradation, made, as far as it could, the feud inveterate. The effects of the famous statutes of Kilkenny were doubtless strongly felt in Tipperary, where the Anglo-Norman, from the earliest time, had overrun the domain of the Celt; and they, of course, tended to aggravate the quarrel between the dominant caste and the children of the soil, and to check the influences that would have appeased it. Nor did conquest bring into this region the firm government and comparatively equal law which England enjoyed even in the Middle Ages, and which had such great and fortunate consequences in consolidating and uniting the English nation. Tipperary, with several of the adjoining counties, became the appanage of a few powerful nobles, who, far removed from the seat of the Monarchy, lived in a state of rude independence, and spread around the evils of half-savage feudalism. In their vast domains the power of the Crown and the authority of the law were unknown; their rule was that of anarchic tyranny, and their days were spent in fierce strife with each other, or in 'hostings' against the common 'Irish enemy.' The aboriginal race had thus never a chance of seeing the face of order and justice, or of acquiring the rudiments of civilization; and they remained sunk in ignorant barbarism, at continual feud with their foreign oppressors. Yet time gradually wrought a strange revolution in this distempered state of society. The descendants of the Anglo-Norman settlers lost the type of their separate nationality; and, instead of leavening with their influence, became confused with the surrounding Irishry, whom they are said to have surpassed in wild rudeness. In this way the differences be-

tween the two races were nearly effaced; yet the traditional contest for the right to the soil seems never to have permanently ceased; and the ultimate result was only to increase the turbulent disorder that generally prevailed.

During the critical period of the sixteenth century Tipperary was continually the scene of a contest between the Houses of Ormond and Desmond, the one representing the power of the Tudors, the other Catholicism and Philip II. The Irishry and most of the old settlers sided enthusiastically with the Desmonds, and, upon the fall of that ancient House, underwent the bitter fate of the conquered. A part of Tipperary was confiscated and divided among a new race of colonists, and the title to land became once more the source of fierce animosities in the district. Disputes, however, of this kind were before long forgotten in the tremendous change effected by the Cromwellian conquest, which to this day is the principal basis of the settlement of landed property in the county. I write with a curious map before me, from which it would appear that the entire of Tipperary, not excepting even a single estate, was parcelled out among the victorious soldiers who followed the standards of the great Protector, or the 'adventurers' who had advanced funds to suppress the rebellion of 1641; but, though this is, possibly, an exaggeration, the revolution was extraordinary and portentous. A race of new colonists, flushed with conquest, after a civil war of the most ruthless kind, and animated with fanatical zeal, was poured in a mass into this region, and settled on the lands of its former possessors, whose titles they had destroyed by the sword, whose faith they abhorred as worse than idolatry, and whose subjugation was their only hope of safety. The vanquished race remained, for the most part, in ruined servitude upon the soil which they cultivated for their rude masters, kept down from rising by terror only, and cherishing continually in their hearts wild and passionate

hopes of regaining their own, and dark feelings of anger and hatred. It is easy to understand what relations would grow up between classes like these, intermingled locally, but morally foes; and during many years the Cromwellian settlers were disturbed by the attacks of fierce caterans, headed usually by descendants of the ancient gentry, who, issuing from their wild retreats in the hills, committed all kinds of atrocious outrages. The colonists, however, backed by the power of England, maintained their ground with success, and, as time rolled on, and the Penal Code completely broke down the Irish Catholics, the struggles of the 'Tories,' as they were called, ceased in Tipperary as elsewhere in the first years of the eighteenth century. The heirs of the conquerors now became a squirearchy of the most oppressive kind, and the heirs of the conquered a downtrodden peasantry; but, open resistance being hopeless, the land was at peace during some generations. Yet the memory of the old confiscations survived; the feud touching land that had lasted for centuries continued in the hearts of the sons of the sufferers; and, in Tipperary especially—I use the remarkable words of Lord Chancellor Clare in a speech for the Union—'the gentry were hemmed in on every side by the old inhabitants, brooding over their discontents in sullen indignation.'

A soil penetrated by influences like these, continuing during a succession of ages, was well fitted to develop the germs of agrarian crime and the agrarian spirit. Until after the middle of the eighteenth century the peasantry of Tipperary remained quiescent, sunk in the state of degraded serfdom described in the writings of Swift and Berkeley. But as their numbers began to multiply, and the means of subsistence, too, became less, their increasing strength or their increasing poverty united them into those combinations ever since known by the name of agrarian. These outrages commenced about 1761, their first occasion

being the eviction of cottiers upon a large scale, and the extinction of some ancient privileges of pasture in the south of Tipperary. The peasantry rose against the landlords they hated, and formed themselves into large bodies, who 'went through the country throwing down fences, rooting up orchards, cutting down trees, and doing various injuries to property.' The movement soon spread throughout the country, and from the first it had many of the characteristics of the agrarian conspiracies of the present day. It was, indeed, rather the tumultuous insurrection of an excitable people, without a definite aim save to inflict vengeance on its oppressors blindly, than the systematic working of secret associations, having usually a tolerably well-settled object, and carrying it out by a regular agency. The Whiteboys of those days—they were so called from the white shirt they wore in their raids—rather sought to punish indiscriminately the class which they imagined had done them wrong than to establish a usage in favour of the occupiers of land under a terrible sanction; rather indulged in vague and general intimidation than endeavoured to enforce the observance of a popular code by isolated assassinations. Nevertheless, the Whiteboyism of that period was the parent of the agrarianism of this age, and resembled it in its most prominent features. It was recognized as a war of class against class, and commanded widespread popular sympathy. 'Government,' wrote the accurate Arthur Young, 'offered very large rewards for informations which brought a few every year to the gallows, without any radical cure for the evil. The reason why it was not more effective was the necessity of any persons who gave their evidence quitting their homes and country.' The combination terrified the local gentry, who, though supported by the power of the State, proved themselves unable to cope with it. 'Many of the magistrates were active in apprehending

them, but the want of evidence prevented punishment.' Then, as now, too, this system of outrage disregarded all religious distinctions, for, though most of its abettors, taken from the ranks of the poor, were Roman Catholics, it visited those who disobeyed its rules, whether Catholic or Protestant, with equal vengeance. Like the agrarianism, also, of this generation, it observed a certain rude standard of right, and administered a kind of perverted justice; it followed, even in the perpetration of crime, a course determined by a strange sort of equity. And, like agrarianism, though local in its origin, it had a tendency to ally itself with any movement against the Government; and, in its worst development, it became confused with the most criminal excesses of violence or passion.

The agrarian outbreak of 1761–2 agitated Tipperary during several years, and soon spread over the adjoining country. Like a meteor of the marsh, the evil spirit flitted about and blazed wherever it found, as, unhappily, was too often the case, a soil congenial to the noxious influence. The greater part of Munster and a large tract in Leinster were, before long, affected by the contagious mischief; and in many places the peasantry commenced a servile war of an atrocious kind. The local squirearchy, irritated and dismayed, but unprotected by a regular police, were wholly unable to cope with this foe; and the Government had no other remedy than measures of coercion often iniquitous. The Irish Parliament characteristically refused to enquire into the causes of the evil, but there were not wanting voices, even in that assembly, to ascribe it to the oppression of the people. Towards the close of the century the movement became associated with the rebellious conspiracy that broke out in 1798, and then, as in 1867, too many of the peasantry of Tipperary looked out blindly for aid from the stranger. After the Union, as the power of the Government in-

creased, agrarianism entered a new phase; it became less openly bold, but more stealthy and deadly. The loose confederacies of armed ruffians were replaced gradually by secret societies, which laid down the conditions of land tenure in the supposed interests of the occupier of the soil, and administered this law by exacting vengeance, in the form of assassination and outrage, from all those who ventured to break it. These combinations extended far and wide, and few of the midland counties were free from them, but Tipperary was always their principal seat, and the most conspicuous theatre of their deeds. As might have been expected, they were often quiescent; but, when society had begun to hope that they had altogether disappeared, the pressure of a period of distress, or even the excitement of political strife, would quicken them again into activity. Agrarianism in Tipperary and elsewhere was never more formidable than in the eighteen years between 1816 and 1834, marked by the decline of the war prices, the increasing poverty of the lower classes, and the agitation of the Catholic and tithe questions. In Lord Wellesley's language, it had then become 'a complete system of legislation, with the most prompt, vigorous, and severe executive power, sworn, equipped, and armed for all purposes of savage punishment.' In the decade that followed some mitigation in its worst symptoms may, perhaps, be noticed, in consequence, possibly, of the more impartial and firm administration of justice that Ireland then began to enjoy. Yet it indicated its presence by frightful results, even at the time of the Devon Commission. Tipperary alone in 1844 was disgraced by not less than 253 agrarian crimes, including five murders and five conspiracies or attempts to murder, 18 cases of incendiary fires, 119 threatening letters, and 20 instances of firing into dwellings.

Agrarianism burst out for a time in great strength

during the terrible crisis that followed the famine of 1846, and in Tipperary it was more or less allied with the treasonable movement of 1848. Since that period it has perceptibly declined, throughout Ireland, and even in this county, its original seat and chosen home. The gradual but decided increase of prosperity, the diminution in numbers and emigration of the most reckless portion of the population, the prolonged influence of a generally just government, and, not least, as I assert with confidence, a change for the better in the conduct of the upper classes to their inferiors, compared with that of their fathers and grandfathers—all this has unquestionably mitigated this evil spirit, even in this county. Thirty-five years ago Sir Robert Peel exclaimed, with reference to the question of placing Tipperary under martial law, that 'law in that district was a mockery, and the British Constitution a ghastly phantom.' The language of that very calm-minded statesman would nowadays be an exaggeration; the county is not generally disturbed; the greater part of it is at peace; the agrarian crimes that have been lately committed have been confined to a small local area. Still, even within the last twenty years, agrarianism has prevailed in Tipperary to an extent that must create apprehension; it baffled not long ago a Special Commission; it has lately given rise to some fearful deeds; it was in some degree connected with Fenianism; nor is its power limited by its mere activity. I have already said that at this moment it has a marked effect in this county in regulating the management of landed property; and it is undoubtedly sustained by too much sympathy. Nevertheless, looking across broad spaces of time, as a fair enquirer in Ireland must do, its worst violence is upon the wane, and we may look forward to its final extinction.

CHAPTER IX.

Maryborough, August 26.

A BRANCH of the Great Southern and Western takes the traveller from Nenagh to Ballybrophy. The route traverses a range of uplands, not far from the watershed which divides the top heads of the Suir and Nore from the streams that flow westward into Lough Derg, and the surrounding country is of little interest. The mountain chain that runs through the county of Tipperary is seen to the south, but the landscape is not beautiful or picturesque; the soil, worn away by the descending waters, is usually rather thin and poor, and the character of the agriculture is not remarkable. Near Ballybrophy the train runs into the main line, and goes through a country for the most part without a striking feature, until, after passing the Slievebloom hills, it leaves you in the little town of Maryborough, the capital of the Queen's County. This district and the neighbouring county, the King's, are remarkable instances of a truth, not often present to the Irish mind, that Catholic no less than Protestant England carried out the stern law by which a stronger prevails over a weaker race, and is associated with the march of conquest in Ireland. During the gradual decline of the English power in Ireland in the fourteenth century the Celtic tribes of O'Moore and O'Connor, before driven behind the Shannon, reoccupied this great midland tract, and, fenced in front by immense morasses, and on either side by mountains or lakes, maintained a wild and rude independence. As the frontier of the dwindling Pale receded, the Irish march, as it was called, advanced; it encroached on the lordships of the Fitzgeralds,

and reached the central plain of Kildare, and more than once the burghers of Dublin saw from their walls the horizon in the west red with the blaze of the Celtic foray. When the Tudor monarchy was at last consolidated it became a main object with English statesman to regain possession of this territory, 'the Gate of the Irishry,' as they named it, that led into the 'castle of the King'; and an opportunity before long arose after the suppression of the Geraldine rebellion. An English army, marching from the Pale, carried fire and sword into the 'barbarous countreys' of the chiefs who had joined the rebel earl; and O'Moore and O'Connor paid homage to Henry VIII. for Leix and Offaley, the Celtic appellation of these districts. Fresh quarrels were not slow to break out, as the English settlers began to press on the border line of the aboriginal race; and the conquest which Henry had commenced was consummated by his daughter Mary Tudor. The fervid Catholicism of the Celt did not prevent the Sovereign who represented the cause of Catholic reaction in England from annexing a region necessary to the maintenance and preservation of English rule; and Leix and Offaley were subdued by Sussex, under circumstances, it is said, of atrocious cruelty. A swarm of English colonists was introduced into what was then a desolate waste; the possessions of the vanquished were made shire land, and called the King's and Queen's Counties; and the little forts of Maryborough and Philipstown, planted in the midst of the barren wildernesses, commemorated the names of the Royal subjugators. Three centuries have elapsed, and this region is now a large agricultural tract, rich with the fruits of the industry of men; and, notwithstanding a variety of changes, it is still held to a great extent by the descendants of the colonists of the Tudors. Yet even to this day in some places the fancy of the peasantry clings to

the deeds of the ancient chiefs and their clans, and their memory is not wholly forgotten. A scroll, from the hand of a local architect, on the family mansion of the O'Connors, records that the builder in 1803 was 'heir to the principality of Offaley'; and 'The O'Moore' of Cloghan was once a name of vast influence in the King's County. Let no one suppose that such things have nothing to do with the Irish land question.

Maryborough is a poor county town, without a single feature that deserves notice. Mount Mellick, however, at a small distance, seems to be a busy and thriving place, and Portarlington, though little more than a village, is not without a peculiar interest. Towards the close of the seventeenth century a colony of French Huguenot refugees was settled here by William III., and the spot abounds in traces of the exiles. Until late years the Calvinist service was read in French in the little church; French names are still not rare in the neighbourhood; in several of the houses treasured relics of the old fathers of the settlement may be found; in some of the well-tilled farms around, held by Sabatiers and Le Grands, you may see the trim neatness of French husbandry. I have visited the surrounding country for miles, and it is of a singular character. This whole district at one time was little more than a huge morass of turf mosses and swampy flats, flooded by the head waters of the Barrow, from which scanty breadths of upland arose, in places crowned by low hills and eminences. The industry of successive generations has gradually diminished these watery spaces and increased the area of agriculture; it has fenced and enclosed the whole tract, and rescued it from the barrenness of nature. Yet the landscape retains its peculiar features and much of its original form; the turf bogs crop out in numberless places; the valleys of the many intersecting streams that find their way to the Barrow

are wet; the best soil is seen near the hills or along the slopes that incline from them; and the valley of the Barrow itself, as it flows in a semicircular sweep from below Portarlington to Athy, is even now in summer a water-soaked channel, and is flooded for many square miles in winter. On the uplands, however, some fine breadths of tillage and pasture may be seen; and in several places, especially among the sunny nooks at the foot of the hills, most beautiful country seats appear, their rich plantations and well-squared fields forming charming oases in a scene by no means generally attractive or fertile. This is the character of the whole country from the village of Stradbally to Portarlington; and as you pass by the pleasant succession of well-built mansions, with their ornamental grounds, here and there extending into noble parks, of neat farmsteads, and cultivated lands, bright with corn and turnips and dotted with sheep, you feel as if you were in a good English county. If you ascend, however, that curious steep the Rock of Dunamase, the last spur of the low range that overlooks the plain, thence stretching far into the King's County, you see that the landscape is of a different description. It is a rather poor agricultural tract, broken in many places by the red turf moss, and here and there by tolerably good grass lands, and edged at a distance by the marshes that mark the course of the Barrow eastward. It is unfortunate that no attempt has been made to lower the bed of this river, for its waters injure the whole adjoining country.

The Queen's is an agricultural county, and though it contains some fine pastures on its western verge where it meets Tipperary, its lands are for the most part in tillage. Farms in the days of Arthur Young were usually of considerable size, from four hundred to thirty and forty acres. As had been the case in all parts of Ireland where a given

area had been agricultural, they had become greatly reduced in extent at the period of the Devon Commission; and though since the famine of 1846 consolidation has progressed apace, they are small in the large majority of instances. The Queen's County, upon an area of 420,995 acres in extent, has still 4,230 holdings rated at and under 4*l.* to the poor, the holdings above 20*l.* being 2,595; whereas Tipperary, with 1,046,877 acres, has only 6,500 of these very small holdings, and 7,505 of the larger kind. The emigration from this county has been immense, the population, which in 1841 numbered 153,792 souls, having fallen in 1861 to 90,650; and this diminution was, no doubt, caused in some degree by the eviction of tenants. Here, however, as throughout Ireland generally, there has been a great change for the better, though I do not think it has been so marked as in the much finer county of Tipperary. The harvest is now going on briskly; the corn crops are good, though not heavy; and were it not that machines are supplying on many farms the place of men, there would be a want of agricultural labourers. Around Maryborough, for several miles, the wages of this class are now very high, women earning as much as 3*s.* a day; and, I think, taking the year round, they are not less than from 7*s.* to 10*s.* a week. Here, therefore, as elsewhere, the agricultural labourer, in a material point of view, is not ill off; and the popular publications that feed his discontent, by endeavouring to draw an unfavourable contrast between his present and past condition, disregard the facts or display ignorance. As respects the agriculture of this district, it is of a very varying character; it is excellent in a few favoured spots, tolerably good in a fair number of farms, but on very many exceedingly backward; and the whole country, as I have said before, suffers greatly from the want of a system of drainage, many thousand

acres being surcharged with water, and in winter rendered completely useless. There has been some improvement, however, in this respect during the last twenty years; I saw a good deal of careful draining on lands that afforded a rapid fall; but nothing comprehensive can be accomplished until the Barrow shall have been made a suitable outfall for this whole tract—a work, perhaps, beyond individual enterprise. The rent of land has risen comparatively little, taking even a considerable space of time; it was from 22*s.* to 33*s.* the Irish acre on the best farms in the days of Arthur Young, and it is now probably from 34*s.* to 45*s.*, this slow advance being in part caused by the circumstance that a century ago the value of all corn lands not far from Dublin was fictitiously enhanced by a bounty paid on grain introduced into that capital, a tax happily long ago abolished. Considering, however, their intrinsic worth, the lands of this district are, in my judgment, let a good deal higher than those of Tipperary; and though I do not think them, as a rule, overrented, I have heard more complaints of rack rents in this neighbourhood than I heard throughout the adjoining county. The farmsteads and offices, with many exceptions, are not well-built or of a good kind; mud cabins and poor dwellings abound; and the farmers, as a class, seemed to me decidedly less prosperous than their fellows in Tipperary.

The land system of Queen's County does not differ widely from that of Tipperary, and the social results are at bottom the same. I have to apologize to your readers and to yourself for running into frequent repetitions; but it is impossible not to give the same account of phenomena essentially the same, and it is necessary to present them fully to the public. In this neighbourhood, as elsewhere, the line between the owners and occupiers of the soil is, for the most part, marked by religious

distinctions; the landlords are nearly all Protestants, the tenants are nearly all Roman Catholics; and differences of race, not wholly effaced, to some extent increase this division. Considering what has been the history of Ireland, this circumstance, though impossible to remedy, must be noticed and pronounced unfortunate, and it has been attended here with some present mischief. I do not speak merely of the want of sympathy, of the alienation, of the moral antagonism that results necessarily from this state of things: I refer to facts more distinctly palpable. I have heard of instances in this county — I shall refer to one particularly hereafter—in which landlords have avowed a purpose of not dealing with Roman Catholic tenants; and I know, from authority that I can trust, that in some cases dispensations have been given for the clandestine marriages of Roman Catholic couples, their landlords having declared that they would evict tenants who ventured to transgress their mandate, and to marry openly in the regular manner. I have been informed, too, of estates on which an Englishman, or an Irish Protestant, obtains as a matter of course a preference over a Roman Catholic in the letting of land, the distinction being made the more galling because the favoured person obtains a lease, and the discredited class are usually without one. Such instances are, no doubt, very rare, and it is quite possible that, in almost every one, a plausible apology might be made for the landlord; but they provoke distrust and ill-feeling, and remind the peasantry too much of the days when it was a common form in Irish wills and deeds that 'good Protestants only' should have leaseholds. It is certain, however, that, with few exceptions, Roman Catholic proprietors in this county are not more generally liked than Protestants. Some have been described to me as extremely harsh, nor is it difficult to ascertain the reason. As a general rule, the Roman Catholic pro-

prietor in Ireland is a new man, who has, perhaps, made a fortune in trade, and has purchased under the Landed Estates Acts; he is, accordingly, rather exact in his dealings, and he is without the liberal associations and sentiments which the ancestral possession of landed property usually imparts even under a bad system. These observations, however, do not apply to the Roman Catholic gentleman of ancient descent; in his case we undoubtedly see the importance of religious unanimity between the owner and occupier of the soil; he is almost always beloved by the people.

'Absentee estates are tolerably numerous here, but in several instances they are very well managed. I have heard nothing but commendation, and that from persons of all classes, with respect to the relations between Lord Lansdowne and his tenantry in this county; his lordship makes the improvements on the lands, or allows the occupiers compensation for them. In a word, on this and other absentee estates, the English method of dealing with landed property has been introduced, and has worked well, though under conditions not favourable, and though it does not fall in with the genius and habits of the peasantry—a fact that ought to be kept in mind by those who contend that we must make a revolutionary change in Ireland, veiling confiscation in polite phrases, and that it is impossible to satisfy the Irish race by doing justice after the English pattern; yet let it not be supposed that I do not perceive the evils of absenteeism to their full extent. When I shall review the land system of Ireland as a whole, I shall endeavour to show that they have some effect, even in a purely economic sense, and their moral effect is most serious in checking the growth of the kindly sympathies so necessary in the relation of landlord and tenant, who take each other 'for better for worse,' in a consortium that may be happy or

unfortunate. Nor let it be said that this is a sentimental grievance; the word, in truth, has an ominous sound since the downfall of the Established Church, a grievance mainly of this kind, and I should be very sorry to press the analogy. Not, however, that here, as in Tipperary, the land system generally prevalent does not cause very plain material grievances. In some instances the landlords have made the improvements on their lands at their own cost; in others, have fully, or in part, given compensation to those who have made them; but, in the overwhelming majority of cases, indeed as the ordinary rule, the occupiers of the soil in this neighbourhood have done nearly everything that has been done for the benefit of the land during many years, especially in the marshy tracts, where they have reclaimed thousands of acres of bog by a slow and almost imperceptible process. Yet, here, as elsewhere, the whole class is without any durable tenure—'A lease has hardly been given in the Queen's County these twenty years' was the remark to me of a most experienced and able gentleman; and this insecurity is all the more vexatious, because, until the present generation, leasehold interests here were extremely common. I have already pointed out how fruitful of evil in the relation of landlord and tenant in Ireland—a relation which, it has been bitterly said, is more like that of the zemindar and ryot than that of free and independent contractors—this state of things irresistibly is; how it gives a licence to all kinds of wrong; how it places the occupier at the mercy of a superior occasionally unfriendly to him; how it sanctions the creation of a mass of property which law ought in justice to protect, yet exposes it to be diminished or confiscated by those who have a direct interest to do so. I shall not at present recur to this topic; but it is equally evident that this vicious system is not less injurious to the common weal than it is to the class directly

affected. It discourages the tenant from investing his capital or labour in the soil; makes improvement penal, because it may be mulcted in the shape of an increased rent; and, beyond all question, is a main cause of the timid and suspicious habits of hoarding which have been observed among many Irish farmers. I cannot do better than quote on this point the words of one who, though resolute in maintaining the cause of Protestant ascendency, and a staunch upholder of the rights of landlords, has, nevertheless, the sympathy of a hard and successful worker for the Irish peasant, whose work he perceives is discountenanced under the existing law, and who is quite alive to the consequent mischief. In a pamphlet recently published on this question, Mr. Fitzgibbon, an Irish Master in Chancery, writes in this way of the evil effects of 'want of tenure' in checking improvement, and he has a right to say that very great experience gives real authority to his opinion:—'The people who have thus imperfectly reclaimed bog and mountain seldom hold by lease. When they come under rent, they do so as tenants from year to year, liable to be turned out on a six months' notice to quit. As soon as the poor tenant has brought his farm to that degree of fertility which enables him to pay a rent and live, *all further improvement is studiously avoided, as a thing which the tenant believes will only increase his labour to produce a larger rent for the sole benefit of the landlord, whom he regards as a vigilant spy upon every symptom of ability to pay more rent.*'

The practice of selling the goodwill of farms prevails here to a considerable extent. I heard of an instance in which 70*l.* was given for a patch of four acres, the rent being at a fair rate, and the tenure merely from year to year. It is impossible not to see that this practice is, on estates where it is sanctioned, slowly eating away the free-

hold right and converting the tenant into a copyholder, and the landlord into the mere lord of a manor, with a right to little more than a rentcharge, and it is difficult to suppose that in this age Parliament will not, in some measure at least, follow the example of the judicial legislation of our tribunals in the days of the Plantagenets, and confirm the equitable title of the occupier. It is vain to argue that in cases like these the purchaser acquires no legal right,—that he purchases with notice of the infirmity of his position; such sophistry is repudiated by conscience, and it ceases to have even a show of reason when once the practice has become usual. I am confident that few landlords here would think of disturbing this Tenant Right on properties where it had been recognized; but, though they acquiesce, and the tenant acts with a reasonable conviction of their acquiescence, this mode of dealing reminds me too much of the expression of Burke, that 'connivance is the relaxation of slavery, not the definition of liberty.' Here, as elsewhere, the insecurity, the uncertainty, and the confusion of rights, arising out of the numerous vices of the land system generally prevailing, provoke a great deal of discontent, with which a fair mind may justly sympathize. Many of the peasantry, however, are filled with the wild spirit of dissatisfaction to which I have alluded before; and you hardly meet one that does not expect some 'grand settlement' of the land question. A perpetuity of tenure and a fixed rent are the ideas to which many minds turn; and it is curious to observe how these mingle with traditional notions of ancient ownership. A small farmer, after complaining bitterly that his landlord within the last ten years had raised his rent from 16*s.* to 1*l.* an acre—the land was certainly barely worth the 1*l.*—expressed to me a confident hope that 'he would soon get it from Government at the old rate, and that he and his would hold it for ever.' I asked him how he could suppose the Government

would disturb the arrangements of his landlord, and rob him directly of his property. 'Disturb and rob?' the man exclaimed, starting up with a wild, passionate gesture. 'The Government disturbed and robbed us three hundred years ago, and little they cared. Let them now do the same turn to the landlords!' Such are the dreams which at this conjuncture have risen into the imaginations of thousands; but I must observe that in many instances I heard the question discussed in a rational manner, and within the limits of an equitable adjustment.

Many landlords here bear an excellent name, and perform well all the duties of property. Yet I observed with regret that the peasantry seemed in too many instances to dislike their superiors; and the feeling is shared by other classes. The notion that the relation between the owners and occupiers of the soil is tainted with wrong is in the minds of many whom we may reasonably suppose to stand indifferent; even few landlords will go further than make use of the old, stale plea, that 'the system is not bad in practice.' The agrarian spirit exists in this county not so violently as in Tipperary, but not, I fear, less generally diffused. I think that exceedingly few landlords would exercise some, at least, of the rights which, beyond all question, the law gives them; in fact, their rights are tacitly in suspense. I heard from authority I cannot doubt that more than one gentleman who has given notice of evicting tenants was in danger; and there has been one terrible agrarian crime. The attempt to assassinate Mr. Warburton and the attendant circumstances bring out too plainly the evils at work in Irish society. Mr. Warburton is a young man, the representative of an old county family, the possessor of a large landed property, and a Protestant of the true ascendency type. Since he undertook the management of his estate he has not been popular with his tenantry; and there can be little doubt that towards some

at least he pursued a course of petty annoyance. Some months ago he began raising the rents of one or two farms in a capricious manner, and he accompanied a notice to that effect with a letter of a very insolent kind, reflecting on his tenant as 'you Roman Catholic.' Some weeks ago the unfortunate gentleman was fired at and seriously wounded, and though it is simply wrong to palliate the crime, and the youth of the sufferer is to be urged in his favour, his conduct was certainly very injudicious. I have not heard of an attempt to justify it, though of course there is much personal sympathy for him.

I had hoped that my social survey of this neighbourhood would have been more reassuring. On the whole, however, I have found less material prosperity than in Tipperary, and the same elements of moral disorder, if less active, not the less in existence.

CHAPTER X.

Athlone, August 31.

It has often been remarked that the soil of Ireland presents as strange a series of contrasts as the different races that live on the island. I was forcibly struck with the truth of this, as, fresh from the sight of the noble grass lands and fine tillage fields of Tipperary, I traversed by the Great Southern and Western line the dreary and comparatively sterile tract that leads from Portarlington to Athlone. Though beyond the immediate course of the railway this country is fertile in some spots, and is not without picturesque scenes, its general character is barren and melancholy. It is for the most part a vast uneven plain, of cold, poor, and unkindly land, in places divided by huge turf-mosses, and ridged by lines of those low, steep hillocks known in parts of England by the name of 'hogs' backs.' The few towns that appear are little more than villages; and, except that along the edges of the bogs you meet occasionally clusters of hamlets still, notwithstanding losses by emigration, swarming with a population which by its constant toil has gradually diminished the expanses of waste, the whole district seems thinly inhabited. As you pass Geashill you run over the estate of Lord Digby—a conspicuous instance of what, on the one hand, may be the risks incurred by the occupiers of the soil in Ireland in respect of insecurity of tenure, and of what, on the other, may be the effects of careful and enlightened improvement. The facts are narrated with perfect fairness by the able and honourable agent of the property, Mr. W. Steuart Trench, in his well-known book, 'Realities of Irish Life'; but I can add something

perhaps to the tale, and would point what I think is its true moral. The barony of Geashill, as it is called, is a tract of some 30,000 acres, which, having formed at one time a part of the vast chieftaincy of the O'Connors of Offaley, passed from them to the House of Kildare, and thence, by marriage, to the family of Digby. The late Earl Digby, the immediate predecessor of the present peer, was an absentee who seldom visited his Irish estate; and towards the close of the last century he, being then merely a tenant for life, made at different times a great many leases for terms considerably beyond his powers. As Lord Digby was a gentleman in every sense of the word, this unfortunate mistake can be ascribed only to the negligence of a non-resident owner; but the tenants relied with implicit confidence on the supposed security of their interests; and, as Lord Digby lived down to 1855-6, and during all this period they were undisturbed, many of them made very great improvements, and, in point of fact, created on the land a considerable amount of additional property. Lord Digby's successor, who, it should be observed, was not a near relation, and was not under any obligations to the deceased nobleman, thought himself justified, on coming into the estate, in availing himself of his strict rights, and destroying titles which, not being consistent with the provisions of the entail, were, technically speaking, wholly invalid. Ejectment proceedings were commenced, or threatened, against the whole body of the lessees—120 families, I believe—and the question of compensating those who were thus about being extruded from the homes they had innocently enriched for the benefit of a stranger was referred to the executors of the late Earl, who, it should be remarked, were, in point of law, most probably not bound to disburse one farthing. The whole country was in a state of uproar, when Mr. Trench, by his judicious conduct, in some degree calmed

down the agitated waters. He succeeded in persuading the executors to allot a sum of 30,600*l.* in relief of the imperilled tenants, and many of them, I understand, were allowed to retain their lands, at rents, however, considerably increased. Yet, from all that I have heard, the sum given in compensation was not nearly an equivalent to the losses of the lessees; and the memory of the whole transaction is not forgotten in the barony of Geashill.

This case illustrates, I think, forcibly the mischievous insecurity of tenure which exists, not merely as a matter of theory, but practically, under the law of Ireland. Lord Digby's tenants, when they accepted their leases, had not the means of discovering their defects, for it is a well-settled practice in Ireland that, unless, perhaps, when a fine is paid, an ordinary lessee has no right to examine beforehand his lessor's title. After a possession of more than half a century, and the expenditure of a vast sum of money on the faith of the validity of their rights, the representatives of these men were suddenly threatened with eviction *en masse*, and with seeing the accumulations of their industry for years appropriated by the lord of the soil, and that probably without any legal redress, for it is unlikely that Lord Digby's executors were liable, under the covenants in these leases, to pay any compensation whatever. In the events which occurred the tenants, no doubt, escaped this cruel and absolute spoliation; but I have reason to believe that they suffered heavily; and what would have been their fate had they fallen into the hands of harsh or even exact men, who looked only at the letter of the bond, or even of impoverished superiors, at once tempted to do injustice and not able to treat them liberally? Is it not evident that this would have been a case in which law would have been at issue with right, and wrong would have been done in the name of justice? As a practical question, it is no answer

to this that the law in England and Ireland is the same in this matter, and that the proceedings which arose in the barony of Geashill might have equally arisen, for the same cause, between the like parties, within ten miles of London. For, I say it with confidence, who ever heard of 120 leaseholders on one English estate, after having enjoyed their lands for two generations, and added enormously to their value, being threatened with being turned out in one body, not for any misconduct or default, but simply because there was a flaw in their titles? And if such a thing were, perchance, to occur, does any one suppose that it would not be condemned by a force of opinion no landlord could brave, that ample restitution would not be made, or that Parliament would not find means of redress? The law, therefore, although as bad in the abstract in England as it is in Ireland, is not equally bad in its actual working; in one country it is nearly a dead letter, in the other it has often done great mischief; and the whole case is a striking example of a truth ever to be borne in mind in considering the Land Question of Ireland—that, as regards the most important points, rules apparently in all respects the same may be attended with very different results in the separate divisions of the United Kingdom. In proof of this, on this very matter we have only to turn to the evidence taken by a Parliamentary Committee in 1865 upon the subject of Irish tenures. On that occasion we find men of the most enlightened views, and particularly desirous of making the laws of England and Ireland identical, declaring that leases made in Ireland by a limited owner *bonâ fide* ought to be protected, though in some respects they should clash with the rights of those in succession, yet pointedly disclaiming the application of this principle to leases in England.

Under the careful management of Mr. Trench the

estate of Lord Digby has been much improved. Large sums have been expended in drainage, in building houses and out-offices, and in reclaiming the moors in the barony; and I was happy to hear that the present owner occasionally pays a visit to the property. Mr. Trench's book contains a full account of what has been done at Geashill of late years; I have pleasure in confirming the accuracy of his statements. From Geashill the train reaches Tullamore, the modern capital of the King's County, its rival, Philipstown, being almost buried in the vast morasses that extend around it. The pretentious Court-house of Tullamore was the scene not long ago of a trial that has become almost a *cause célèbre* in the literature of the Irish Land Question. It has often been remarked, especially in England, that if the wrongs of Irish tenants were real they would appear frequently in the reports of litigation, and that, as this assuredly is not the case, the presumption against them is all but decisive. While I am quite satisfied that, as a class, Irish landlords do not abuse their position, this objection is but of little weight, for in the existing condition of things, law arms the Irish landlord with such power over his tenants-at-will that he may do what is morally most unjust with impunity. Occasionally, however, a member of the order transgresses the limits of even his legal rights, and the remarkable trial of 'Clarke v. Knox' is a signal notice of this temerity. A printed report of the cause is before me, and it certainly throws no feeble light on what has occurred and may occur in the relation of landlord and tenant in Ireland. In 1857 a Mr. Dyas became the purchaser of the fee in reversion of an estate in Meath held by a Mr. Knox as a middleman for a long term, and by thirteen families of sub-tenants-at-will, confessedly solvent and respectable persons. In 1861, and again in 1863, Mr. Knox caused notices to quit to be served on the sub-tenants, and in

1864 contracted for the sale of his interest to Mr. Dyas, through the operation of the Landed Estates Court: and it is almost certain that, about the same time, he agreed to remove the sub-tenants, so that Mr. Dyas should obtain the absolute freehold, free from the 'human incumbrances on it.' Mr. Knox, however, had assured the sub-tenants that the notices to quit were a mere formality, and that there was no intention of disturbing them; and one or two of them, on the faith of this pledge, expended some money in improvements. In June, 1864, some weeks before the final completion of the sale to which I have referred to Mr. Dyas, ejectments were brought on the notices to quit; but the sub-tenants, being again informed that they need not be under any apprehension, offered no defence, and gave consents for judgment. Mr. Dyas, however, having soon obtained possession of Mr. Knox's interest, and paid that gentleman 500*l.*, the real character of these transactions appeared. Armed with the judgments which had been procured by a representation that they would not be used, and through notices described as mere waste paper, Mr. Dyas proceeded, in the name of Mr. Knox, to evict the sub-tenants in a body, and to get that complete possession of the lands which had evidently been the object of these dealings. The police, I deeply regret to say, attended at the discreditable spectacle, and the thirteen families—the innocent victims of conduct I leave to your readers' comments—were summarily turned out altogether from their homes, though their rents had confessedly been punctually paid, though they certainly had always been good tenants, and though some of them had laid out money on their holdings in reliance on the validity of the promises which had been made instruments to blind and ruin them. The matter, fortunately, did not end thus, and through the deceit which had been practised the means of obtaining redress was found. An

action was brought by Mr. Clarke, one of the sub-tenants, against Mr. Knox, for the misrepresentations which had been made; the jury awarded ample damages, and all the sufferers ultimately received compensation.

In this case, it will be observed, the whole affair being tainted with deceit, the law gave the sub-tenants a remedy. But this was owing to what lawyers would call a mere collateral accident; and the facts show how insecure may be the position of the tenant-at-will in Ireland in the existing state of social arrangements. Mr. Knox came within the reach of the law because he had violated a distinct pledge, and tricked his dupes by untrue statements. But had he boldly asserted his legal rights, had he proceeded upon his notices to quit, and obtained his ejectments in the usual way, the sub-tenants could not have made a defence, the law would have confiscated their improvements, and they would have been evicted without a remedy. It may, no doubt, be said that here, too, the law in England and Ireland is the same, and that a case exactly parallel might arise at any assizes in England; but I assert that opinion in England operates to prevent the occurrence of such wrongs, and that if it did not the power of Parliament would soon devise the means of redress.

From Tullamore the train proceeds along a flat and uninteresting country of poor uplands and sandy hills, until at last on the banks of the Shannon, here a broad stream as it leaves Lough Ree, the historic town of Athlone appears. Athlone is a place of a great antiquity; in the days when a wide water-line was an almost impassable barrier, it was a strategic point of the highest importance, and even now its position upon the routes which converge here as they meet the Shannon gives it a great deal of military value. The town is merely the mass of square, slated houses, apparently of the date of the last century, seen so often in the South and West of Ireland, and it

does not seem progressive or thriving, the reason, in this and other instances, being probably that the local gentry have long ceased to live in provincial towns, and that the growth of trade has not supplied their absence. Yet the place and the neighbourhood abound in scenes of interest to an enquirer in Ireland. An armed fort, with adjoining lines, and large barracks swarming with soldiers, command the streets and the course of the river, too suggestive of the truth of Wellington's saying, that the rule of force in Ireland is continually seen. Hard by is the ford where, in 1691, the troops of Ginkell made good their passage despite the efforts of St. Ruth and Sarsfield; and not many miles off is the memorable field where, after a dubious and murderous struggle, the 'red eye of battle closed in despair' on the hopes of Catholic Ireland at Aughrim. Lower down the river the decaying remains of the Celtic churches of Clonmacnoise rest on a vast and melancholy plain, like the phantoms of a perished nationality mourning over the havoc wrought by conquest.

The phenomena of the country around Athlone, on a circle of several miles in extent, are of an exceedingly interesting kind. The broad Shannon winds its way slowly through vast spaces of bog and morass, fringed at the water's edge by fine meadow lands, enriched by the deposit of the river. Many thousands of acres thus lie waste; and man has added to the difficulties opposed by nature to the draining of this tract; for, in order to improve the navigation, the levels of the Shannon have been artificially raised, and the area it floods has been greatly extended. This is the case along the whole course of the river from Athlone to Limerick, I believe; and, no attempt having been made to increase the outfall by lowering the bed of the stream at the points where it descends in rapids, the result is, that an immense surface of land is destroyed or injured by water. It seems hardly expedient to sacri-

fice a whole breadth of country to water carriage, especially since the development of railways; and Lord Clanricarde, on several occasions, has directed attention to this subject, which, as well as that of the drainage of the Shannon, deserves the consideration of the Government. The tracts, however, near the great river present scenes of no common interest to the observer of social facts in Ireland. At intervals in the expanses of morass patches of yellow corn land and of pasture appear; and the signs of human industry and life are visible in the dreary landscape. As along the rude causeways opened in the waste you make your way to these oases in the desert, you come upon districts—in the words of the old Greek—'inhabited in villages,' and of a singular and primitive character. Here the children of the soil have been settled for ages, probably, in small communities, and, aggregated in petty hamlets, have led the simple life of the Celtic peasantry. The gradual but steady progress of their toil has opened spaces of fertility in the wild, has reclaimed thousands of acres from the swamp, has silently created a mass of property on the ungenial and difficult domain of Nature. These interesting centres of fruitful industry are the more curious because they are in strange contrast with a fair spectacle of activity of a very different kind that may be found at no great distance. Not, indeed, that anything in the general character of the country immediately around Athlone seemed to me to require particular notice. The uplands, on either bank of the Shannon, that ascend gradually from the flats below are parcelled out into numerous farms, for the most part of an inferior description. The face of the landscape is not attractive; the soil of this tract is not fertile; the land is not well enclosed or tilled; good farmsteads and offices are very uncommon; and the peasantry and their dwellings have a look of poverty. But beyond the low hills that, near Ballinasloe, divide the valley of the Suck

from the Shannon, is a district which can be only compared to a fragment of the best part of the Lothians in the heart of a region comparatively wild, and which is a perfect specimen of what modern science and skill can accomplish in agriculture. Here the wealth and energy of a single man has, within a few years, transformed the landscape; has stamped the country for miles around with the character of the most refined husbandry; has endeavoured to introduce the highest kinds of farming into a neighbourhood previously ignorant of their existence.

In my next letter I shall examine the characteristics of these districts, and the social phenomena they present—the most interesting and suggestive enquiry that it has been my fortune as yet to make.

CHAPTER XI.

Athlone, September 4.

I SHALL not dwell at any great length on the character of the land system of this neighbourhood, viewed as a whole, or on the social phenomena disclosed in it, for to do so would be to repeat a good deal of what I have written in previous letters. The wages of the agricultural labourer about Athlone are very much the same as I have found them to be in other places—that is, they average from 6*s.* to 10*s.* a week, and the class, as a rule, is not unprosperous. The rate of rent is extremely variable. Unfortunately, I have not the means of comparing it with what it was a century ago, for Arthur Young did not visit this place, but I may say, generally, that it ranges from 3*l.* to 15*s.* the Irish acre—that is, from about 36*s.* to 9*s.* the English. Any good land is not highly rented; indeed, the fine meadows along the Shannon appear to me to be let low—it must be remembered, however, that they are 'drowned' by floods during four months of the year—and the rate of rent upon large farms is, in my judgment, reasonable and moderate. This remark, however, hardly applies to the smaller farms in many places. The rents of these are very often high; and I walked over several hundreds of acres of cold, thin, and hungry land, inhabited by a race of poor occupiers, who paid 20*s.* the Irish acre, and which I should consider dear at 12*s.* Farms vary exceedingly in extent; a few, at a considerable distance from Athlone, are grazing tracts of a large size; a good many reach twenty and fifty acres, but an immense number are very small, mere patches from two to three acres.

The country beyond the flats of the Shannon is fairly divided between tillage and pasture, but the agriculture, as a rule, is of an inferior kind; the breeds of cattle and sheep are sometimes coarse; the crops are occasionally backward and thin; good farmsteads are not often seen; whole estates are covered with mud cabins; the landscape reminds you, in too many places, of what Ireland was before 1846. On the whole, in a material point of view the tenantry of this neighbourhood are less prosperous than I have found them to be elsewhere; and, as I shall show particularly afterwards, they are at least as full of discontent as those in any part of Tipperary. The land system of the country in general is, in all essential features, the same as that which I have already noticed. The line between the owner and occupier of the soil coincides tolerably nearly with that which marks the great religious divisions of Ireland; but there is a fair number of Roman Catholic landlords. Absentee proprietors are not numerous; but the residents, as a class, are not progressive, and some are said to be much embarrassed. Here, as elsewhere, leasehold interests are rare, and, having been formerly very numerous, are becoming fewer year after year; yet, though the tenants have only precarious tenures, they have, with slight exceptions, done everything which has been done for the land for years. The whole system, in short, is of the kind to which I have before referred—a dominant proprietary, marked off from the people; a tenantry which has seldom a hold on the soil, though it has enormously increased its value, and which is exposed to have the fruits of its industry appropriated by superiors who have the power, and a temptation to do so. Here, as elsewhere, I assert with confidence, the landlords do not often abuse their position; but instances to the contrary certainly occur; nor can I admire a state of things in which an equitable adjustment of the

most important rights is made to depend, not upon law, but upon the will of an order of men whose interest often conflicts with justice.

What I wish to dwell on in this letter are the extraordinary contrasts of agriculture, and of what may be called agricultural systems, which are to be found in this neighbourhood, the train of phenomena resulting from this, and the serious reflections they suggest. I visited the magnificent tract to which I referred in my last letter as being a fragment of the Lothians introduced into the rudeness of Galway. This estate, with another in the north of the county, is the property of Mr. Allan Pollok, a Scottish gentleman of immense wealth, and it should be examined carefully by every enquirer who wishes to study the Irish Land Question. Mr. Pollok unfortunately was not at home, but I was received courteously by two of his agents, and these gentlemen gave me much information, which they have kindly permitted me to repeat, though, for obvious reasons, they do not wish their names to be disclosed to the public. Mr. Pollok's two estates comprise an area of some 32,000 acres, of which 25,000 are arable, and they were purchased some fifteen years ago at a cost—I do not here pretend to accuracy—of not less than 500,000*l.* The lands when they came into Mr. Pollok's hands were in the condition of most Galway estates; that is, they were for the most part held by a peasantry of small farmers and cottiers, they had been much exhausted after the famine, and their resources had never been developed. It is easy to imagine what their look then was—rude tracts broken into narrow fields, ill-drained and divided by unsightly fences, with scanty crops and inferior cattle, and covered over with small dwellings inhabited by a dense population. Mr. Pollok's first care was to buy out almost every one of these petty holders, to convert some into farm-labourers, and to induce others to emigrate to the

West; and having by a process, not ungentle indeed, yet rather painful, made a *tabula rasa* of this enormous area, he applied himself to improving the lands, to bringing them under thorough cultivation, and farming them upon the best Scotch system. It is unnecessary to say how dikes were levelled and fields squared into vast breadths; what miles upon miles of drains were opened; how, in the place of the Irish village, the huge solitary steading rose at wide distances; what thousands of tons of artificial manures were lavished upon the hungry soil; what sheets of turnips and masses of corn were grown where the plough had never been before; how the hills were covered with the finest kine and sheep;—how, in a word, capital and science transformed these great tracts by degrees as if by magic. The carrying out this social revolution cost not less certainly than the fee-simple of the soil, and the results have really been wonderful. I walked over a part of one of the estates, and admired the magnificent farm buildings, the huge mills with their lofty chimneys, as though husbandry had become a manufacture, the steam engines and perfect appliances of tillage, the vast spaces of corn that reached the horizon, the thoroughbred sheep in the immense pastures—the spectacle, in a word, of agriculture on the largest scale in its highest development. Yet the whole scene had a look of desolation in spite of the monotony of its splendour. I missed the smoke of the frequent house-top; and as my eye rested on the scanty cottages which here and there only dotted the rich expanse, I could not help thinking that this form of society had, like all human things, its imperfect side.

How opposite to this state of things is the condition of the village communities, referred to in my last letter, which have reclaimed parts of the flats of the Shannon! How different is their primitive husbandry, how completely distinct the type of their life! In one case a lavish out-

lay of capital has suddenly raised a noble monument of cultivation of the most perfect kind, and has produced a splendid model of extensive farming. Yet you feel that this is an exotic growth, and that it anticipates the natural march of society; and you see that it is not without its drawbacks in its severance of the population from the soil. In the other case, the slow industry of ages, advancing with gradual but beneficent steps, has changed the barren waste into fruitfulness; has, with difficulty almost incredible, subdued the worthless swamp to fertility; has, too, not grandly or quickly, but quietly and peacefully, transformed the character of the landscape. Ambition should not mock this humble toil; it was by a process exactly similar that the sandbanks of Holland were won from the waves, and covered with their magnificent harvests; that Belgium has become a succession of gardens; that the hills of Tuscany are clothed with the vine; nor was the aphorism of the poet, perhaps, wholly wrong, as, looking on the cultivation along the Mincio, he exclaimed, 'Admire the large, till the small farmstead.' Nor, as he contrasts these forms of life with an eye fixed on the common weal, can the statesman altogether forget that the large capitalist system, if fruitful of wealth, does not tend to the increase of man, and that the small peasant system, less rich materially, is the seed-plot of a hardy population. It was in village communities of this kind that thousands of the warriors were reared who defended the lines of Torres Vedras and joined in the crowning charge of Waterloo. At present, so great has been the diminution of the population in most of the adjoining districts, there is hardly any recruiting at Athlone.

The circumstances of Mr. Pollok's experiment suggest considerations of great interest with reference to the Irish Land Question. First, perhaps, in importance is the enquiry whether this wonderful attempt to introduce Scottish

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agriculture on the largest scale into a district where it had been unknown before is remunerative, or is likely to be so; for, if it be, it can be hardly doubted that its author's example will be extensively followed. From all that I have heard, and my own calculations, this question must be answered in the negative. It is not only that Mr. Pollok's agents, when I tried to examine them on this subject, were guarded and dubious in their replies, and that the general opinion of the country side—which, doubtless, is in some degree to be attributed to jealousy and ignorance—condemns the whole thing as a costly failure. A simple consideration points to what, I believe, is the true conclusion. Mr. Pollok having laid out a sum, equivalent perhaps to the price of the fee, in merely improving his estates, the letting value of these lands, compared with those of the same natural quality on adjoining properties, ought to have increased in something like a similar proportion, on the supposition that he obtains a fair return for his outlay. This, however, is certainly not the case. Though Mr. Pollok gets a higher rent relatively for some magnificent farms he has let than his neighbours do for the small holdings on which they have left the old Irish peasantry—taking areas of equal natural value—the difference does not nearly yield a fair interest on the capital expended; and though this circumstance is not decisive, and other elements, no doubt, enter, it goes a long way to solve the problem. Another extremely interesting question is, How far can the ordinary Irish farmer, with the means he possesses—his scanty capital, but, as I insist, his shrewd sense and resolute industry—compete with such a gigantic rival? On this point I can adduce testimony that is certainly not a little significant. A portion of the estate of Lord Clanricarde runs into that of Mr. Pollok; and there is, no doubt, a remarkable contrast between the rude and petty home-

steads on the one and the enormous breadth of tillage on the other. Yet—and I put the question to many on the point—the peasantry on the Clanricarde estate declared themselves able and willing to pay rents not much lower than those obtained by Mr. Pollok for his lands; and as Lord Clanricarde, though an admirable landlord (his people were enthusiastic in his praise, and I was happy to find had generally leases), has not laid out much on this part of his property, these occupiers, taking everything into account, were assuredly justified in their boast to me, '*that they could hold their own against any Scotchman.*' Indeed, one of Mr. Pollok's agents, notwithstanding a very natural prejudice in favour of his native system of agriculture, admitted to me that it was quite wonderful how well the Irish took to improvement, and how much they could do with the land, under landlords in whom they could place confidence. '*Give them capital and fair play, and they would run us hard,*' was the honest remark of this intelligent and experienced gentleman.

Mr. Pollok, as I have said, has let a part of his estate, in farms, to tenants. These holdings are all exceedingly large; the landlord put them in thorough order, and supplied them with every appliance of agriculture, before he placed an occupier in them; and they are held by leases of nineteen years, the tenants being either Scotch or Irish. Here, then, you see in its most perfect form what may be called the English system of occupation; and with reference to the Irish Land Question I pray your readers to note with care how this system and the English law of landlord and tenant agree with each other. In this condition of things the landlord hands over his land to his tenant in such a state that the occupier need sink no capital in it, and is amply compensated for any transient outlay by the profits, perhaps, of a single year; and the tenant, the farm he takes being large, is a capitalist, free

to make a bargain, to insist on a reasonable amount of profit, and to protect himself by a definite contract. In England, therefore, the common law, in this matter of landlord and tenant, assumes the existence of a class of landlords who add all permanent improvements to the soil, and of a class of tenants who simply hire its use, without investing their fortunes in it, or enhancing its value to all time, each class being independent of the other, and its doctrines proceed on these assumptions. It treats the owner of land as the absolute owner, because the raw material of the soil and all durable annexations to it are, in a legitimate sense, his property. It treats the tenant as a mere temporary possessor, because he stipulates only for the transient usufruct, does not permanently increase the worth of the freehold, and is able to make an equal bargain. And, as it does not conceive that a state of things can arise in which, unshielded by contract, a whole race of occupiers, during many years, may have deposited the fruits of their industry in their holdings, and given them nearly all the value they possess, so not only, as a general rule, does it disregard all equitable claims for compensation on this account and repudiate the notion that in any such way a tenant can acquire a title to an extended or a perpetual tenure; but actually, with some trifling exceptions, it enables the landlord to appropriate the whole of these beneficial accretions, and refuses the tenant all redress, in order to shut out very difficult questions, and to compel persons whom it supposes to be free to adjust the matter by mutual agreement.

This state of law, though in theory faulty, and though occasionally, even in England, not coinciding with existing facts, nevertheless works tolerably well in that country, and adapts itself to a form of society in which landlords and tenants are usually well off, and deal on a footing of independence. How does it apply to the system of occupation

that prevails to such an extent in Ireland—to the case, we will say, of those village communities that have improved so largely the flats of the Shannon? Generations ago the ancestors of these people, with or without the consent of their lords, settled on what was then a barren morass, and their descendants, by their continual toil, have gradually changed it to fertility. They have as completely transformed its nature as—to borrow an illustration from the civil law in its luminous view of a kindred subject—the artist who, on the worthless piece of canvas, paints a masterpiece of Apelles or Zeuxis. Is it not an abuse of thought to strain the conceptions of the common law to their status and that of their landlords—to classify the one as casual hirers of the use of land for a term by contract, and the others as absolute proprietors of the soil and of the qualities added to it by others? How can the expressions 'owner and occupier' fit in with such a relation as this, if we are to take them in their strict English sense, and yet to consider natural justice? And—for the legal position of these humble peasants is technically that of tenants-at-will—would it not be an iniquity that a notice to quit should extinguish their tenures, and empower their superiors to rob them of that to which equity gives them so full a claim? Yet this is what the law, as it stands, allows; in this respect, in truth, they are simply outlaws; and their only protection is vague usage, which may be violated legally with impunity. Their landlords, no doubt, as a general rule respect this usage, and neither turn them out nor squeeze out their interest by extortionate rents; but instances of such wrongs happen, and what is to be thought of a law which permits such claims to depend on caprice or forbearance? It was the prayer of the good Roman Emperor that his will might be restrained by law, that he should not have the means of injuring his subjects. A good Irish landlord, who in his

sphere has power not unlike that of a despot, ought to second the wish of Marcus Aurelius; he should not forget that his heritage, too, may pass to a Commodus or Heliogabalus.

A reflecting mind cannot fail to perceive that the great difficulty of settling the Irish Land Question arises from the co-existence and the contrast of the systems of occupation described. Were the lands of Ireland held generally under what I shall call the English system, if the farms were of considerable extent, if the occupiers were men of substance, or if the landlords made all the permanent improvements, things might be left as they now are, and there would be no necessity of considering the subject; or, on the other hand, if the lands of Ireland were all held under the Irish system, if the farms were all small areas, if the occupiers were all poor tenants-at-will, if the peasantry had done everything for the land, and had thus acquired an equity in it, and if the landlords had contributed nothing, I could listen to the cry of 'fixity of tenure,' and could discuss Mr. Mill's scheme of a peasant proprietary at a settled quit-rent. But as both these systems are to be found in Ireland, though covering areas of very different extent; as, moreover, they are not always found marked off from each other by sharp distinctions, but over a very large part of the country, run into each other, and are confused; it follows that, while I do not think you can leave the Irish system in its present state, under the insufficient protection of the common law, so you ought not to stereotype it in the face of all the land, or forget that the common law is a fairly adequate rule of right in all the tracts held under the English system. How ridiculous, nay, how iniquitous, it would be, in the case of farms like those of Mr. Pollok, to attend to claims for compensation for improvements,

or to demands for an extension of tenure, outside the definite contract of the parties! This would be really 'confiscation'—the shallow cant of those who take the mere landlord's view of this great question—and a real subversion of the rights of property. Yet, on the other hand, in the case of these village communities, how idle it is to say that it is consonant to justice to abandon them to the rules of the common law, to ignore the existence of the property they have created, to subject them to eviction without full compensation, or without an equivalent prolongation of tenure! He evidently will be the true statesman, and will be entitled to claim the merit of solving this complicated problem justly, who, recognizing the co-existence of these modes of occupation, and the variety and conflict of rights under them, shall devise a law that can be made applicable to each, and, as far as human legislation can go, shall protect the interests arising under both, and shall then give them complete freedom. Without venturing to dogmatize, I am not without hope that a reform of this kind is quite feasible without endangering in any rational sense the rights of property.

I am sorry to say that all around Athlone the elements of discontent and disaffection abound. I heard repeated complaints of rack rents, not without justice in many instances, and a kind of dull, blind cry of wrong and oppression. In several places, moreover, I had to listen to wild and passionate words of disloyalty—'No thanks to Gladstone for what had been done; a good time was coming for Ireland; the country would yet be under America.' One cause, probably, of this licentious candour is that the peasantry in this neighbourhood, at least on the Connaught side of the Shannon, are in a much greater degree Celtic than those of the other counties I have visited, and the Celts are proverbially tongue-

valiant, a Saxonized race being bolder in action. In fact, though the 'men of Tipperary' are stained with more frequent deeds of violence than the population in this district, they are at heart, I believe, much less dissatisfied. Over and over again a peasant would use such words as 'God help the poor who are ground down by injustice!' and one man, whose American accent betrayed plainly his recent associations, exclaimed fiercely, 'Oh that we had here the boys who terrify the rich in Tipperary!' This sentiment of dislike of existing institutions blends curiously with dreams of the buried past. I heard of several well-authenticated instances in which, during the Fenian movement, the peasantry acknowledged certain persons as the legitimate heirs to forfeited estates. These distempered visions are no doubt engendered by the sense of dissatisfaction which exists. If you can remove the one by doing away with injustice in the social system and laws, the others of course will before long vanish. The agrarian spirit prevails here quite as strongly as in Tipperary; it would be as unwise to gauge its power by its acts as it would be to imagine that the range of malaria is limited to the few spots where it breaks out in typhus. Unfortunately, too, a most foul murder of an agrarian nature has been lately committed. Mr. Tarleton, a gentleman of good birth, took some time ago a farm on which a shepherd in the service of the former owner had repaired a house and made some improvements. Mr. Tarleton continued the man in his employment, but dismissed him in rather a summary manner, without compensating him for the outlay, for which, of course, he was in no sense liable. The unfortunate gentleman received a warning, couched in terms of friendly reproach, but having disregarded this, he was shot, and the crime, as usual, remains undiscovered.

Here we see agrarianism in its very worst form; and, as will be observed, the agrarian code in this, as in many other instances, considered, to use a legal phrase, that the obligations it imposes 'run with the land,' and, passing over the original owner of this farm, who might be imagined to have done wrong in not having given anything to his servant, inflicted its penalties on the new possessor, though obviously innocent of all offence.

CHAPTER XII.

Mullingar, September 14.

THE line from Athlone to Mullingar runs along a district of poor uplands, here and there dotted with country seats, but with hardly a single feature of interest. As you approach the little capital of Westmeath the character of the landscape improves; you pass some of the rich pastures for which the county is justly famous, and the scene wears a more civilized aspect. Mullingar, placed almost on the frontier of an outlying tract of the old English Pale—the theatre of many a fierce encounter between the Norman settlers and the Celtic tribes—was once a place of considerable importance; it had its sovereign, burgesses, and corporate rights; but these have become things of the past, as well as the remains of its ancient castle and of its celebrated religious houses. The town is little more than a village of slate houses, running into mud cabins, commanded by a large military barrack, and overlooked by its Protestant and Catholic churches; yet, though it has no remarkable features, its recent history is not uninteresting with reference to the Land Question of Ireland. Twenty years ago Mullingar seemed as if smitten with mouldering decay. It had the look of haggard poverty; its slovenly ways and ricketty houses were notable for their squalor and dilapidation. Small as the place now is, the main street and its shops have generally a rather thriving appearance. You see plenty of new gilding and paint; there are numerous residences of recent building, and, though the neighbourhood is purely agricultural, and its local business has not much increased, few country towns, I believe, in Leinster have lately

shown more signs of improvement. The reason of the change, I cannot doubt, is an alteration in the legal conditions, and in some degree the social influences, under which the town now maintains its existence. Until not long ago Mullingar was held under a middleman's grant from the Granard family, and as neither the mesne nor the chief owners had the power of making long leases, no security could be obtained for building, and stagnation and ruin were the consequence. The liberality of the present Lord Granard, and ultimately the process of the Landed Estates Court, swept away these mischievous fetters of tenure; and the new proprietor, Colonel Greville Nugent,* being able and willing to give leases of long duration on favourable terms, the town has not been slow to revive, and has in a few years made very rapid progress.

Westmeath being for several reasons an important county as regards the Land Question, I have visited many parts of it. This great midland tract, that extends from the plains of Meath to the banks of the Shannon, comprises a large portion of the watershed of Leinster, and presents a strange diversity of features. To the north it is ridged by continuous hills, for the most part of thin and light soil, with occasionally fertile valleys between, inhabited generally by rather poor peasantry. The centre, named by the fancy of the Celt 'the Land of Waters,' is largely occupied by a succession of deep and broad lakes, from which sluggish rivers uncoil and descend slowly to the Boyne and the Shannon. This is also in spots a hill country, but it usually expands into broad plains, here and there broken by turf-mosses or swelling into gentle eminences, but often stretching into vast green flats that at intervals, especially along the courses of the streams, form magnificent pastures. This is the general character of the landscape from the summit

* Now Lord Greville.

of the cone of Knockeyon, from which, it is said, on a clear day, you can see across Ireland to either sea; from this point the eye ranges over a most remarkable and varied scene of wooded steep and glittering mere, of rich lowland and red morass, spreading out for miles in the near distance. This fine tract, except at the places where a race of petty occupiers still dwells on the edges of the bogs and slopes of the hills, is, for the most part, held in substantial farms, and abounds in beautiful country seats, and the traveller goes through an interesting succession of fat pastures and breadths of tillage, with occasionally mansions and parks between, that would be a noble specimen of industry and care, save that thousands of acres want drainage. This, to a great extent, is the nature of the country until you reach the borders of Meath; but to the south and west of the central plain Westmeath rises into a series of uplands, in places divided by low stony hills, and forming a large uneven tableland, for the most part of little fertility. This district seems comparatively neglected; it does not contain many handsome seats; the character of the agriculture is seldom good; and it is divided chiefly into extensive pastures, many evidently of recent origin, and the holdings of a not wealthy peasantry. The county, therefore, regarded as a whole, abounds in curious contrasts of husbandry, and these, as may be supposed, correspond with not less remarkable social contrasts.

It is not my intention to say much about the general condition of this district; for I wish, if possible, to avoid repetition. Compared with some other parts of Ireland, Westmeath is not a progressive county; its agricultural area has considerably diminished, and, notwithstanding the excellence of its pastures, the increase in the returns of its live stock is not so great as I should have expected; and it should be observed that this coincides with a rather

large decrease in the population. It would not, however, be safe to draw any wide conclusion from these facts; I reserve this and similar topics for a subsequent stage of this enquiry. The material condition of the different classes connected with the soil in Westmeath corresponds in the main with that of the same classes in the other counties that I have visited. The wages of the agricultural labourer are from 6*s.* to 10*s.* a week; the farmers, except the very small holders, are reasonably well off, the large graziers, especially, as a rule, being wealthy. Rents vary from 3*l.* 10*s.* for the best grass lands to 15*s.* the Irish acre; and land on the whole is not overrented, though most of the light tillage lands let high, no doubt owing to the competition of the poor, now almost confined to soils of this character. The land system of Westmeath is essentially the same as that I have already described, except that the number of absentee landlords is comparatively small in this county. In other respects it presents phenomena identical with those I have previously noticed—the same divisions of classes by religious distinctions; the same widespread insecurity of tenure; the same creation and growth of equities in the land not protected by positive legal sanction, and vindicated only by vague usage. In this state of things a line of demarcation runs between the owner and occupier of the soil, and separates them more or less from each other; law fails utterly to throw its shield over innumerable claims of the nature of property; and these are abandoned to unsettled custom, which may be disregarded without legal redress by a dominant order that has an immediate interest to do so. Here, as elsewhere, from good feeling, from the habits of acquiescence engendered by the ancestral possession of landed property, far more, I believe, than from any lower motive, the landlords, though too marked off from the people, as a rule respect the social arrangements, the dealings, and natural

rights of their tenants; they neither attempt by unjust evictions, nor by iniquitous raising of rents, to appropriate what really belongs to others, nor do they disregard the Tenant Right arising from the sale of the goodwill of farms, which in this country is a common practice. But—besides that in the years that succeeded the famine society in Westmeath was much disturbed by extensive evictions from estates—even now, as always will be the case when social elements occasionally jar, and when too much is left to arbitrary power, wrongs in the relation of landlord and tenant occur too frequently in this country. Sometimes the zeal of a Protestant proprietor gets the better of his sense of fair dealing, and I have heard of cases in which an undue preference has been given to Protestant tenants as such, or in which, except at an extortionate rent, a site for a Catholic chapel has been refused—a compromise between conscience and interest at which Mephistopheles himself might smile. Occasionally, too, the spirit of avarice will break through the barriers of mere habit; and I have been informed of more than one instance in which purchasers in the Landed Estates Court have set aside the equitable claims of their tenants. Now and then, moreover, landlords will abuse the extraordinary power their position gives them, and I write with a set of contracts before me of a singular and iniquitous kind, which a proprietor has lately endeavoured to compel his tenants-at-will to sign, in order evidently to deprive them of even the scanty protection of the common law, and to free himself from the implied obligations which local usage would impose on him, so long as they held by the tenure of the country. The tenants have refused to sign these agreements; I hope their refusal will not be construed, by those who interpret the Irish Land Question on a theory of the barbarism of the Irish race, as evidence that the benighted Irish tenant prefers vague custom to definite contract.

Westmeath presents in a marked form the contrasts of occupation which I adverted to in a previous letter. The greater part of its fine lands is now held by substantial farmers, or by graziers of a superior class; many of these have, of course, the security of a lease, and in most instances the landlords have either put the lands in good order and built farmsteads before the commencement of a tenancy, or else the lands, being admirable pastures, require little or no outlay. The existing law of landlord and tenant applies, therefore, fairly enough to these cases. It either has no tendency to confiscate what belongs to the tenant on a change of possession, or else its harsh doctrines are excluded by contracts between independent persons. By far the largest portion of the county, however, is still occupied by small farmers, who legally are merely tenants-at-will, though they have added much to the value of the soil by building, enclosing, fencing, and tillage, and though they have purchased their interests in numerous instances, and it is probable that they will long maintain their ground, though the area they hold is being diminished. The existing law is not a rule of right to this body of men in their actual position; it exposes, what is in truth their property, the benefits they have added to the land, to be confiscated by a summary process; it sets at naught the equitable right acquired by a transfer for value with the assent of the landlord. It is idle to say that poor tenants-at-will ought to have assured their claims by express contract, and that law accordingly may disregard them; equality, not dependence, is the sphere of contract, and these claims, in truth, are supported mainly by habit, forbearance, and acquiescence, without any compulsory sanction. Can any one wonder that, in this state of things, hatred of our institutions should grow up, and that agrarianism should step in to shield by terror the

natural rights which law will not recognize? Can we not perceive what must be the feeling of the poor peasant in this situation, when he sees that law refuses to affirm his title to what is justly his own, and, as he imagines, by its one-sided operation assists the wealthy capitalist to supplant him? May we not translate his thoughts into language like this?—'I and mine have tilled these fields for generations; I have made them what they are, have, perhaps, bought them; I cannot compel my landlord to grant me a lease, yet the law leaves me naked and defenceless, while the large man who is coveting my land in the revolution going on around me can make for himself an excellent bargain. Your law is double-faced and unjust. I turn to a code of a very different kind in order to protect my legitimate property.'

Such are the thoughts which have doubtless occurred to many of the peasantry in this district. It aggravates the matter that in some instances you find persons of the landlord class disposed to repudiate their natural rights, especially as regards their additions to the soil, which not unreasonably cause misconceptions. Such persons will contrast the fine steadings built recently on estates that have perhaps been 'cleared' with the rude condition of the farms on which the small holders continue to dwell, and will exclaim that 'tenants' improvements are nonsense.' Or they will observe that, in the actual state of agriculture, the little dwellings that have been the habitations of the peasantry through the long space of time during which they have been gradually changing the bog or the mountain to fertility, are nuisances that ought to be got rid of; or they will point to the exhausted state in which the small holders' fields are occasionally found, and will ask, 'Would you mulct us for deterioration?' In all this there is some truth; but considerations on the other side of the greatest importance are too often for-

gotten. It is not borne in mind that it is the industry of the petty occupier that, for the most part, has transformed the face of the country, has made tracts of barrenness yield their increase, has caused them to give rent to their owners. It is not borne in mind that the unsightly hovels, now condemned as mischievous to the estate, have been instruments in this work of amelioration, and may, therefore, under certain conditions, be placed in the category of real improvements. It is not borne in mind that, as a general rule, the good done by the peasantry to the land exceeds the waste in an infinite degree, and that the area they may have injured is as nothing compared to that they have made productive; and it is too easily said that they obtain a sufficient return in prolonged occupation without estimating the fitting compensating period. Through this narrow and partial view injustice is sometimes done to the claims of the tenant even by the most upright men; and we cannot wonder that on his side, too, extravagant notions should exist. That tenants in Ireland have a large equitable claim in respect of what they have contributed to the land even the late Mr. Senior thought indisputable, opposed as he was to small holdings, and conservative in his ideas about the rights of property:—'The Irish landlord, partly politically and partly to obtain additional rent, by means of the potato encouraged or (what was enough without actual encouragement) permitted subdivision and the increase of population. The inhabitants of Ireland, from 4,088,226 in 1792, rose to 8,175,124 in 1841. The landlords were unable or unwilling to expend money on their estates. *They allowed the tenants themselves to make the provision, by building and by reclaiming land from its original state of bog or heather or stony field, necessary to lodge and feed this increased population. It is thus that many estates have been created, and almost all have been enlarged by*

generation after generation of tenants without assistance. It was the tenants who made the barony of Ferney, originally worth 3,000*l. a year, worth* 50,000*l. a year. It is to meet cases like these that I propose my tribunal.*'

This leads me to say a few words on the operation of the law in Ireland as it bears on the subject of tenants' improvements, though I shall treat the question more fully hereafter. That law, founded on the old maxim that what is added to the soil accrues to its owner, has been modified in England by local custom; in Ireland, in some degree, by statute; and in the United Kingdom, by judicial decisions. It is, however, still in the abstract unjust, for it fails sufficiently to protect what may be the legitimate claims of the tenant; but in England its harshness is practically nullified by the circumstances that in that country the permanent improvements on estates are made, as a general rule, by the landlords, and that tenants shield themselves from the law by contract, and take care that when they hire land they shall be repaid should they add to its value. In Ireland, however, where, in most cases, what is done in the way of improving the soil is done by the tenant, not by the landlord, and where the tenant, in the majority of instances, has not risen to the *status* of a free contractor, the law is in the highest degree unfair; it refuses to protect what really is the property of the tenant added to the holding, and exposes it to unredressed confiscation. It is impossible to guess what innumerable rights, occasionably of a valuable kind, too often the all of the humble peasant, have been extinguished through this state of law; but it may be interesting to note the opinion on this matter of a great lawyer, no subverter, assuredly, of the landmarks of justice, and with instincts on the side of the proprietary classes. Fifteen years ago Lord Westbury observed on the law as to tenants' improvements in Ireland:—

'Was it not the fact in Ireland that in nineteen cases out of twenty a landlord expected the tenant would do something for the improvement of the land, and stood by while it was done; and, then, was it not consistent with justice for the law to assume a tacit understanding on his part that the tenant was to enjoy the results of these improvements? Such doctrines as these had been the A B C of equity in this country for a considerable time; *and if parties proceeding against their tenants in Ireland could be compelled to proceed in a court of equity, they would be met by the legal apothegm that "He who seeks equity must do equity," and they would not be allowed to dispossess the tenant unless they had given him satisfaction for the expenditure he had incurred.*'

Irish landlords, however, being able to enforce their rights in the forum of the common law, this equity in respect of tenants' improvements is not acknowledged by a legal system that guards the freehold from all interests save those created by Grant or Contract. It will be observed, however, that a slight extension of the equitable doctrines of salvage and lien would, in many instances, protect these rights, and if such a man as Lord Mansfield —that great civilizer of the common law—had sat on the Irish Bench in the last century, he probably would have discovered the means of shielding the Irish tenant from spoliation. But, in the first place, as Mr. Maine points out, it is extremely difficult for judicial tribunals to effect important changes in law when it has once become mature and organic; and, in the second, until this generation, the judges of Ireland, brought up in the atmosphere of unjust ascendency, were not likely to be keen in an effort to maintain the interests of the Catholic peasant. Let it not be supposed, however, that in our day Irish judges have not recorded a protest against the iniquity of the law. In a celebrated cause, heard in 1858, in which a clergyman,

who had expended a large sum in improvements in land on the faith of a promise of a lease, endeavoured, though technically a yearly tenant, to enforce this equity against his landlord—not, as in the case put by Lord Westbury, to employ it merely as a counter-claim—the late Master of the Rolls in Ireland, one of the most upright and outspoken of men, though compelled to reject the petitioner's suit, condemned the law in unqualified language. His Honour observed:—

'I have no hesitation in stating that although in point of law, on the authorities I have referred to, and particularly the case of "Pulling v. Armitage," the petitioner's suit could not be sustained, yet nothing can be more repugnant to natural justice than that a landlord should look on at a great expenditure carried on by a tenant from year to year without warning the tenant of his intention to turn him out of possession. The defendant's offer to allow Dr. O'Fay to remove the buildings was a mockery. I have no jurisdiction to administer equity in the natural sense of that term, or I should have no difficulty whatever in making a decree against the defendant. I am bound to administer an artificial system, established by the decisions of eminent judges such as Lord Eldon and Sir William Grant, and, *being so bound, I regret much that I must administer injustice in this case, and dismiss the petition.*'

The agrarian spirit prevails in Westmeath, and has prevailed for years, in extreme intensity. Within a period comparatively recent many outages of this kind have occurred, and, as usual, they remain undiscovered. From the summit of one of the low hills that mark the boundary of this county and Meath, one of the most experienced lawyers in Ireland pointed out to me the actual spots of fourteen of these crimes, and which have escaped the avenging hand of justice. Within the last few months two agrarian murders of an atrocious character have been committed; but there is nothing very peculiar in them,

save that, as usual, they show traces of system, and were done under more or less provocation. The first was that of Mr. Fetherston, and some of the facts are in dispute, though I have endeavoured, if possible, to reconcile them. Mr. Fetherston, it is said, was rather a hard man, and in 1868 resolved to raise the rents of a moorland which, I have been informed, had been reclaimed by the adjoining tenants, and on which some had made improvements. They refused to pay the increased rents; and, notices to quit having been threatened, the illfated gentleman was foully murdered. In the second case, a Mr. Anketell, a station-master on the Midland Railway, was assassinated because, having made himself unpopular by the dismissal of servants, he afterwards entered on a small piece of land, from which, I hear, he had advised that the occupier should be removed. Such is the state of this fine county; and, from testimony which I can rely on, I have reason to believe that the Ribbon Society is more or less organized in Westmeath at this moment. The immediate causes of this prevalence of crime, I cannot doubt, are that agrarianism has been unpunished for years in this district, and that it was called into being, and has been kept alive, by the 'clearances' of estates, and by the extension of the system of large farms. It may, however, be not unworthy of notice that Westmeath, like Tipperary, was for several centuries the scene of civil war and dissensions of race; nor is it improbable that the habits of lawlessness and moral disorder then formed have survived down to the present age. One circumstance must be borne in mind by a candid student of the Irish Land Question. Westmeath, especially on its eastern border, is one of the parts of Ireland which contains a very large admixture of English blood, yet it has always been a seat of agrarian outrage. This—and I shall recur to the point—is an awkward fact for those who ascribe agrarianism to the inherent savageness and ruthlessness of the aboriginal race.

CHAPTER XIII.

Trim, September 17.

I DROVE on a considerable circuit from Mullingar to this little town, as I particularly wished to examine the country. The route followed a series of uplands, for the most part of thin and cold soil, inhabited by a poor peasantry, until I reached the high watershed that separates the affluents of the Boyne and the Shannon; whence, leaving on the left the hills that form the boundary between Meath and Cavan, I descended into what has been called with propriety the Leicestershire of Ireland. As you make your way into the lowlands, the superb pastures of Meath appear, you pass through a succession of breadths of verdure ranged over by magnificent kine, and you see a few spots only of inferior land, to which a race of petty occupiers cling, almost lost in the rich expanses around. The fine grass lands increase, and the poor tracts diminish, after leaving the small county town of Athboy; and the whole scene is of this character until, overtopped by surrounding masses of ruins, the straggling roofs of Trim are seen along the gentle slopes of the Boyne. Trim, once an important fortress of the Pale, the scene of more than one of its rude Parliaments, and a point of vantage against the Celtic tribes when, from their distant morasses and hills, they poured down on the adjoining plain, is still the capital of the county of Meath; but it is little more than a declining village, and it has a dreary and decaying aspect. Like most of the towns not far from Dublin, it has not improved during several years; and its ill-built houses and slovenly streets are

without a single attractive feature. The immediate vicinity of the place, however, abounds in objects of no common interest. From the opposite bank of the Boyne, close by, rise the towers of a mighty Norman stronghold, said to have been built by Hugh De Lacy, the powerful lieutenant of Henry II., who, in the words of the old chronicler—

A Trym ferma une meisun,
E fosse jeta envirun;

and the wide sweep of the moat and outer walls is almost uninjured, save at the points where they have been destroyed by the batteries of Cromwell, that omnipresent Thalaba of Irish tradition. Lower down, resting on soft grassy lawns, the ruins of ancient religious houses throw their shadows over the tranquil stream; and near them a single majestic shaft of exquisite beauty springs from the plain, and, overlooking whatever of grand or mean man has created around, commands like a beacon the landscape for miles, a fitting image of that imperial Church which far and wide spreads its potent influence over this Catholic land and Catholic people. Here, as elsewhere, I was happy to observe that the care of ministers alien to them had repaired and protected these noble ruins; in this act of reverence may we not hope to see a sign of the mitigation of the feuds which for centuries have distracted this island, and an omen of reconciliation and peace?

There is a remarkable sameness of character in the scenery of the county of Meath. Its two chief rivers, the Boyne and Blackwater, flow through broad valleys of marvellous plenty; the eye dwells with delight on verdant solitudes, the domain of almost unrivalled herds, on a succession of noble country seats in the midst of fine parks and wooded enclosures, on the remains of old castles of the Pale, intermingled with rustic homes and

farmsteads, on a landscape disclosing, in rich variety, long-settled wealth and the bounty of nature. Beyond, the country is a series of plains, in places rising into gentle eminences, and here and there intersected by low hills, until it touches the borders of Cavan and Louth; and this vast tract, too, abounds in fruitfulness, and in evidence of successful culture and opulence. From the lofty mound of the hill of Tara you behold a panorama of rural splendour, huge spaces of grass land, green lines of wood, and beautiful demesnes spread all around; and the fair scene extends to the far horizon. As you travel through the country, however, you come upon districts of poor, light land, in some places of considerable extent; and here you meet again, and that, too, in an unprosperous and backward state, the small tillage holdings and farms of the native peasantry. Along the edges, too, of the great tracts of pasturage you find communities of this description, and they appeared to me, in almost every instance, to exhibit signs of very great poverty. Meath, therefore, may be described generally as an immense grazing region of admirable fertility, with intervals of sterile land between; the first engrossed by wealthy occupiers, the last abandoned to a poor, struggling race; and thus, like Westmeath, except that its fine land is in much greater proportion, it presents remarkable contrasts of husbandry, and social diversities not less remarkable.

It might have been supposed that a county like this, especially since the great rise in the price of cattle of late years, would have been in the highest degree progressive. Yet it may be affirmed that, though Meath, like every other part of Ireland, has advanced since the social revolution of 1846, the advance has been less than we might have expected. Statistics are often unsafe guides; but the admirable Government returns of Ireland appear

to show that Meath has improved more slowly during the last two decades than any of the adjoining counties with which it may be fitly compared. The live stock of Meath, its staple product, has increased in value since 1841 at the rate of about 50 per cent.; the value of the live stock of Louth and Kildare has increased in about the same proportion; but there has been an increase of more than 60 per cent. in the value of the live stock of Wicklow. In this there is, perhaps, nothing remarkable; but when we add that between 1855 and 1868 the agricultural area of Meath has diminished at the rate of not less than 19 per cent., whereas that of Louth and Kildare has contracted at the rate of 7 per cent. only, and that of Wicklow has hardly diminished at all, this difference certainly is significant. It should be observed, too, that this slowness of progress in the case of Meath coincides with an extraordinary decrease of population; and that, except in the instance of Louth, the more rapid prosperity of the other counties has concurred with a much smaller decrease; the number of the inhabitants of Meath having been reduced since 1841, as compared with that of Kildare and Wicklow, in the ratio of 82 to 36 and 50. Curiously enough, moreover, the average size of farms in Meath is very much larger than in any of the other counties, and in Meath the consolidation of holdings has been remarkable of late years. These facts do not warrant any wide conclusions; but they certainly are suggestive and interesting; and may perhaps indicate that the point has been passed at which, painful as it is to write it, a reduction of the redundant population was an essential condition of progress in Ireland.

The social economy of this county is in the highest degree interesting, and deserves careful and minute attention. There being comparatively little tillage, and the grass lands, unlike those of the Golden Vale, being

rather feeding than dairy grounds, the demand for agricultural labour is small, and the agricultural labourers as a class seemed to me to be poorer here than elsewhere. They were often ill-clad, and evidently ill-fed; they had sometimes a poverty-stricken look; I do not think I can put their wages at a higher rate than from 5*s.* to 9*s.* a week, and even at that rate wages are not constant; the contrast was painful between their condition and the evidences of prosperity around. The rent of land in the time of Arthur Young varied from about 40*s.* for the best soils, to about 6*s.* or 7*s.* for the worst, the Irish acre; at the period of the Devon Commission it had risen to from 3*l.* 10*s.* to 15*s.*; it is now probably from 4*l.* to 16*s.* I do not think the rent of the pastures high, considering their extraordinary excellence (though coarser in herbage than those of Tipperary, they are more productive, and 'hold the grass' better) and remembering the proximity of the first-rate markets; but here, as elsewhere, the poor tillage lands appeared to me in some places high-rented. Farms in Meath vary greatly in extent, from immense gazing tracts of 2,000 and 3,000 acres to small patches of three or four; and the class of what in Ireland are fair-sized farms, those from twenty to fifty acres, are, it would appear, comparatively uncommon. The large farmers, speaking generally, are wealthy; indeed, not a few considerable fortunes from 50,000*l.* to 150,000*l.* have been made in grazing within this century; but the small farmers are evidently badly off, and in many instances had the look of poverty. Their dwellings were in many places wretched mud cabins, often without a chimney; they complained exceedingly of the want of fuel, the turf bogs being exhausted or distant; their dresses and appearance were squalid and mean; and, collected as they were on the barren spots that occasionally divided

the expanse of pasture, they reminded me of a declining race, yielding gradually to a new order of things.

The land system of Meath has some features that distinguish it broadly from the land system of any of the other counties I have seen. As early as the close of the twelfth century this magnificent region was parcelled out among Norman barons of the Pale; and, though the wave of revolution and civil war has passed over Meath like the rest of Ireland, a considerable number of families in this county are descended from the first conquering settlers. A large proportion of these still adhere to the Church and the faith of their forefathers, and perhaps a sixth of the soil of Meath is in the ownership, at this time, of Roman Catholic gentlemen of ancient lineage. I made particular enquiry as to the effects of this coincidence, so uncommon in the South of Ireland—the relation of landlord and tenant adorned by long association and religious sympathy; and, as might have been expected, these estates are usually centres of order and content, though, as I shall notice hereafter, the elements of disturbance abound in Meath. Not that many of the Protestant landlords of the county are not quite as liberal to their dependents, as kindhearted, as generous, as humane, as the representatives of these Catholic Houses; but the great link of community of faith, continuing through centuries, being absent, they are not equally identified with the people, and not equally beloved by them. I visited the abode of one of these ancient families, and was forcibly reminded how all that I saw was in harmony with traditions and sentiments that appeal to the hearts of the Irish peasantry. The sad features of one of the House, a martyred archbishop, whose name is still a bye-word of reverence in the country, met the eye in an antique miniature. A striking image of the Penal Code, from which lord and dependents alike suffered,

was seen in a succession of portraits, in which plumed courtiers and dames, all jewels, gave way to obscure squires and their unknown helpmates. Close by the towers of a stately pile, over the porch of which a legend records that its first stone was laid in the reign of Henry II., is the chapel, where the heads of the family and their dependents, during many generations, have joined together in a common worship. At a short distance is the consecrated ground, where, amid ruins made by Puritan guns, they mingle in death their dust together. All the country side tells the same tale of the goodness and virtues of the race; how they have never disturbed a tenant, or thought of unfairly raising rent; how gentle are their charities to the poor; how well it is for those under their protection. 'And yet why not?' was the remark to me of a peasant, eloquent in his simplicity. 'They have been here these 700 years, and they have lived, prayed, and died among their own people.' Your readers in Ireland will easily recognize to whom this brief description applies. But it may not be so well known in England that the old Anglo-Norman House of Fingall is not more remarkable for social worth than for discharging nobly the duties of property.

In instances like these, too uncommon in Ireland, you see aristocracy in its fairest type, the crown of contented social life, and you perceive at once its beneficent influence. But, though the circumstances of several estates in Meath are of this happy character, the land system of the county, as a whole, presents some painful, though instructive, features. A considerable and increasing number of landlords keep large tracts of pasture in their own hands, and farm them on their own account; the whole of the remaining good grass lands is in the possession of substantial farmers; and, as I have said, the poor peasantry are relegated to the inferior soils. The result is the most marked contrast between agricultural wealth and poverty

that I have met, as yet, in any part of Ireland, and a corresponding division in the ranks of society. The rich gentlemen and rich farmers in this county are, speaking generally, exceedingly rich; the peasantry and agricultural labourers, are, as I have noticed, exceedingly poor; and the line of separation between these classes is marked by harsh and grievous distinctions. To this circumstance, and also because evictions during the last twenty years have been very frequent in Meath, is, I am convinced, to be mainly ascribed the peculiar spirit of discontent which is too prevalent in this county. The poorer classes, forced off from the soil by the operation of influences they cannot comprehend, and often pinched by distress and want, feel angry and jealous of the rich; and there is a great deal of dissatisfaction in Meath, though not a few of the landlords are loved by the people with peculiar regard, though tranquillity reigns upon their estates, and though the country gentlemen of Meath, as a class, are above the average of Irish landlords, and, if somewhat exact and money-making, are usually highly cultivated and refined. The consequence of this state of things is that deeds of lawlessness and outrages have been too common in this county.* More than one attempt at assassination has been made, and I was shown a whole mass of threatening letters which, not only, as usually is the case, had reference to the taking of land, but related to the dismissal of farm servants, and to the reduction of the rate of wages. The spirit that animates these misdeeds, though essentially of an agrarian kind, is, nevertheless, not purely agrarian; it is not equally sustained by a principle; it is not so systematic in its objects; it is more akin to hatred of property, and dislike of existing social arrangements. In a word, it resembles in some degree the passions which, as

* Unhappily, since this was written several frightful outrages have taken place in Meath.

we know, agitated the country people in some parts of England when, as in Meath in this generation, the peasantry in the sixteenth century were gradually driven to the poor tillage lands, and graziers settled on the rich pastures. It is deserving of notice that this peculiar and dangerous development of agrarianism has displayed itself in a part of Ireland that, having been in the heart of the Pale, is inhabited by an Anglicized race, and is throughout penetrated by English elements.

The state of society we see in Meath induces me to make two short reflections. In the first place, I would ask Mr. Mill, or any other advocate of 'fixity of tenure,' at a rent to be settled by the State, how he would apply his system to the case of the magnificent grazing tracts of this county. These lands, when farmed, are almost all held in very large farms by capitalist graziers; and either the landlords make the improvements, or no improvements are required on these splendid pastures. How is the Legislature to interfere in these instances, between contractors who stand on perfectly equal terms, to deprive the landlord of that property, which, not augmented by the industry of others, is in a real and natural sense his own, and to transmute his land into a mere rentcharge? Is it not evident that this would be a mere wild removal of the landmarks of right, a simple perversion of common justice? But if all instances of this class in Ireland, and of other classes analogous to it, are to be excepted from the proposed reform, of what value is 'fixity of tenure' as a panacea of universal application, or even as a practical question? Are we to divide Ireland into a land of Egypt under the dark influence of the Common Law, and into a land of Goshen, rejoicing in the divine light of the new philosophy? I might enlarge upon this point, but this is hardly the place to discuss it, nor do I think it a very profitable topic. In the second place, I would briefly remark

that the example of England ought to warn us how idle it would be to interfere directly with the order of things which at this moment we see being accomplished in Meath, the extension of the area of pasturage. The same change exactly occurred in England on the dissolution of the feudal system, and Tudor legislation in vain endeavoured to baffle the irresistible energies of commerce, to keep the small tenants in their holdings, to exclude 'the covetous graziers,' who tried to supplant them. It, too, had its schemes of 'fixity of tenure,' described graphically by Mr. Froude, of limiting the extent of farms, of regulating harshly dealings in land; yet we know that they proved utterly fruitless, and did not stay the inevitable revolution. But though this is true, and no legislative device could gain for the poor peasant of Meath a footing upon the fertile tracts once occupied, perhaps, by his forefathers, and from which he is now disappearing, that is no reason why the law of tenure, the conditions under which he holds his farmstead, are to render him liable to injustice. He is entitled to have his natural rights assured, not to stand in the way of the march of society.

The peasantry of Meath, in my judgment, have less claims in respect of improvements than those of any of the counties I have visited. Whatever they may have done for the land years ago has in many places been wholly effaced: the Legislature must consider their equity gone wherever they have been detached from the soil; and, in truth, they usually appeared to me as if they felt that they could not maintain their ground, and that attempts to improve would be worse than useless. Nevertheless, even in this county, I do not doubt that a minute scrutiny by a judicial tribunal upon the spot would show that the peasantry in some districts had contributed to the value of the land, and that for this they have a title to compensation.

The practice of selling the goodwill of farms, though not common in this county, prevails in spots along its northern border, where it comes within the influence of Ulster. I shall discuss this subject at some length when I shall consider the Tenant Right of the North; but I will venture here on one or two remarks. If we were to sit down to construct a land system, on a *tabula rasa* by economic principles, this practice must be pronounced faulty; it is most likely to become common in a country in which land is the sole or principal fund for investment, and in which tenures are usually precarious. It is probable that if small capitals could find easily profitable outlets in Ireland, tenants would not habitually sink enormous sums in purchases which as a general rule yield hardly any interest; nor would they do this if without their outlay they could rely on a long continuous possession. In the case of Tenant Right in the South of Ireland, the money invested in buying goodwill is virtually a premium paid by the tenant for the security which it usually assures; it is a deposit to obtain a warranty of title which landlords, with few exceptions, respect; and, though the practice is objectionable in the abstract, it works, in my judgment, well on the whole, in the actual state of the Irish land system, as it has a tendency to quiet possession. At all events, however that may be, the practice exists, and has grown common over an area of not inconsiderable extent, even in the midland counties of Ireland; and since this is so, it is high time for Parliament to examine the real nature of the relations constituted in this way, and of the legitimate rights that flow from them. At this moment an Irish tenant who, on estates where the practice exists, gives, perhaps, 10*l.* an acre for goodwill, acquires nothing in point of law except the interest of the seller, a mere tenancy-at-will in ninety-nine cases out of a hundred, though the landlord must on the hypothesis acquiesce,

and though he usually encourages the purchase, as he obtains through it payment of arrears, and a guarantee for the future rent. In point of fact, however, the purchasing tenant considers justly that he has bought a real, though indefinite, estate in the land, equivalent in some degree to his outlay; and habit sanctions the supposition, for few landlords would think of violating the Tenant Right that had thus been paid for, and in these instances security of tenure as a rule is established by contract. Nevertheless, cases occasionally arise in which needy or unprincipled men will turn law against the unprotected right and extinguish the titles that have thus been created. A most competent authority, Judge Longfield, in evidence he gave before a Parliamentary Committee, has declared that such wrongs are not very rare on the part of purchasers in the Landed Estates Court, and I have myself heard of several examples. Is it not evident that the Legislature must put an end to this conflict between law and fact, must make the usage law-worthy, must recognize the truth that the sale of goodwill, under certain conditions and with the landlord's concurrence, is an interest which must have a legal status; and that estates subject for years to this custom must to some extent be assimilated to manors, in which the copyholder has the land, and the lord a rentcharge? This would be merely sanctioning existing facts, compelling the bad by law to do what the good landlord does from respect of usage.

CHAPTER XIV.

Enniscorthy, September 21.

THE railway from Dublin to this place runs along a succession of beautiful lowlands, covered with the encroaching suburbs of the capital, or thickly studded with country seats along the slopes of overhanging mountains. This is the character of the landscape until you reach the gay town of Bray; and you look with delight on the contrast between the brown heather-crowned hills and the exquisite scenes of civilization and wealth that expand as you travel along the valley beneath. Even in this choice and highly-cultivated tract you see the remarkable varieties of husbandry and occupation I have alluded to before —the rich lowlands are laid out in some places in magnificent farms, held evidently by gentlemen or capitalist tenants; the mountain sides are still largely occupied by the settlements of a poor peasantry, whose assiduous industry has gradually enclosed and reclaimed thousands of acres from barrenness. From Bray the train ran along a line, cut for some miles out of the base of cliffs that trend precipitously into the sea, or cross the wastes of a sandy shore; and the lovely scenery of the interior of Wicklow, the Switzerland of Ireland as it has been called, is shut out from the sight by intervening mountains. After leaving the quaint old town of Wicklow, you proceed inland into a country of hill and valley picturesquely combined, with a lofty range in the near distance, and you again meet farms of all sizes and kinds, and fair mansions with noble parks, with hamlets, occasionally, of mud cabins. As you advance you go through an enchanting region of

lowlands, flowing with gentle streams, that divide terraces of wooded eminences, and eye and mind feel the subtle charm of a scene sacred to the muse of Moore, the long and delicious vista of the Vale of Avoca. At Arklow the sea is again seen breaking in foaming rollers on that dangerous coast; and thence the line turns inland again, and follows a tract of tableland, here and there dotted with country seats, and edged by masses of bold hills, but without features of peculiar interest. At last you reach the green, fertile flats that on either side mark the course of the Slaney; and ere long the grey slated roofs of Enniscorthy are seen hanging on the brow of a slope that stretches down to the verge of the river. High above rises the square tower of one of the best of Pugin's creations, a Catholic cathedral of majestic proportions; while below, commanding the course of the stream, spreads a massive keep of the twelfth century, still, after the lapse of centuries, habitable. These are the most striking features of the place; but it contains some other interesting buildings—a Protestant church not without symmetry, and a lunatic asylum admirably designed and arranged. Ireland contains a considerably larger proportion of the unhappy inmates of these institutions than the other divisions of these kingdoms.

As my habit is, I have visited the country around Enniscorthy for several miles, and I have been, on the whole, much pleased with it. It is for the most part an upland tract, swelling here and there into gentle hills, and at points closed in by ranges of mountains, and it is fairly divided into pasture and tillage. The land is usually rather thin and light, except in the fertile valley of the Slaney, where it forms admirable meadows and pastures, and along the grassy and verdant banks of the different affluents of that river. In the neighbourhood there are some fine seats, Castleboro especially, that of Lord

Carew, being a rare specimen of good taste and splendour; and the farms are of all classes and sizes, the farmsteads being not seldom excellent, but occasionally of an inferior character. I do not, however, at present intend to describe this neighbourhood at any length, for it resembles generally that of Wexford, and in my next letter I hope to give a tolerably exact and full account of the social organization of the entire county. My object in this letter is to show what liberal dealing, security of tenure, and conforming to the feelings of the people have effected in and about this place, in the case of a tract of considerable extent, under circumstances not, in some respects, favourable to the welfare of landed property. Enniscorthy is a thriving little town; it has a look of prosperous industry; it abounds in substantial slated houses; its inhabitants are remarkably orderly and contented; and if it has some rows of ugly mud cabins, it is because these spots have not yet felt the good influence to which it owes so much. A tract on either side of the place strikes the eye at once as singularly civilized, as presenting markedly the signs of comfort, of good cultivation, of rural wealth, as being distinguished from the tracts around by the excellence of the homesteads, the neatness of the fields, and the evidences of successful husbandry. This tract and Enniscorthy itself belong to the Earl of Portsmouth, and have been for a long time in his family; and the general opinion of all classes, men of business, bankers, merchants, and farmers, is that the prosperity existing around is caused almost wholly by the peculiar manner in which the estate has been managed and administered during a considerable period. This concurrence of judgments, so uncommon in Ireland, led me to examine with some care the circumstances relating to the property. I have fortunately been able to obtain information of the best kind from a trustworthy source; and the whole case certainly

deserves attention from any impartial student of the Irish Land Question who can apply a candid judgment to facts, unbiassed by dominant theory.

Some fifty years ago the Portsmouth estate was worth about 5,000*l.* a year, and differed but slightly from many estates in Ireland at the same period. A considerable portion had been let to middlemen at low rents under old leases; and from the stimulus of war prices and of that multiplier of mankind, the potato, a dense population of small tenants had accumulated under these rural owners. Another part of the estate was held under modern leases, at full rents, and the residue, probably a third of the whole, was in the hands of ordinary tenants-at-will. The late Lord Portsmouth having become insane, the control and management of the estate devolved upon the Court of Chancery; in most instances, to a proverb, an unfortunate trustee for landed property. The Receiver, however, who was appointed was a man of no common worth and ability, and, under the system established by him, the march of improvement began rapidly. Perceiving justly that so long as an intermediate owner intervened, the proprietor was cut off from the soil, and that this partition of interests had a tendency to mischief of many kinds, he applied himself by every means in his power to disincumbering the lands of middlemen, and whenever a lease of this class fell in he selected the most solvent occupiers, and converted them into immediate tenants, having previously encouraged them to build and improve. In this way he gradually diminished the number of tenures injurious to the estate, and planted upon it a race of men fitted to become a prosperous tenantry. The peculiar results of his management, however, were seen in another direction. A native of Ulster, he encouraged the practice of the sale of the goodwill of farms, then just beginning to be known around, and he introduced the system of

Tenant Right, and allowed it to flourish without restriction. Increasing sums were paid on the transfer of tenancies, as the practice became matured into usage; and, notwithstanding what some persons would call this pernicious waste of capital, the consequences of the security obtained were seen in a steadily growing rental and in prosperity advancing unchecked. The licence was extended equally to leaseholds and to tenancies-at-will; and it had become well-nigh a settled custom before the estate left the hands of the Court of Chancery. The present liberal and enlightened proprietor has continued a system which experience has proved to be of decided advantage; and he has got rid, I believe, of every middleman, and sanctions Tenant Right to the fullest extent, with this peculiarity, that he increases the security thus acquired by his own act, for he gives leases freely and judiciously. The results are visible on the face of the country in social progress and general content; the cause is, as it were, expressed in the appearance of the mud cabins referred to, which mark the spot where a lingering middleman has, I understand, until a few months ago excluded the influence of the chief lord; nor is the benefit to the owner less remarkable, for the rental of the Portsmouth estate has doubled within half a century. As I walked over the lands I was forcibly reminded of that noble chapter in which Butler exemplifies, in an ideal community, the tendencies of right to create prosperity. What makes the sight all the more striking is that Vinegar Hill, the well-known scene of a murderous conflict in 1798, overlooks this scene of wealth and tranquillity. No accusing monuments rise from the turf where the victims of that fell slaughter rest; the ghastly phantoms of revenge and passion have been exorcised by the magic spell of justice.

As in the instance of the Fingall estate we saw the influence of aristocracy in its most gracious form

upon social life, so in the instance of the Portsmouth estate we see the effects of security and justice. And what makes this the more remarkable is that this triumph has been achieved notwithstanding certain unfavourable circumstances, for the Court of Chancery is seldom a beneficent manager, and, though the present Lord Portsmouth has for some time paid an annual visit to his Irish estates, where he meets the reception he deserves, the family have been for centuries absentees, and have done little personally in the way of improvement. Here, then, we behold a most striking example of the consequences of security of tenure in promoting social happiness and wealth, and that, too, obtained to a great extent through mulcts on the capital of the tenants, for the sums paid in the purchase of goodwill must be viewed abstractedly in that light. But, besides that leases have been judiciously granted, these sums have really been the price paid for confirming thoroughly the tenant's interest, and for enabling him to deal with his land with confidence; they have been an element in establishing a custom which, in the unsettled condition of Irish tenures, has the grand result of quieting possession. In this instance security of tenure has been assured for a long time by the mutual consent of all parties interested; and it is very noticeable that this has led, not only to the wellbeing of the tenants, but to a very great rise in the rental. It is all very well for persons reasoning on the mere principles of economic science, without bearing in mind its postulates, to prove that this Tenant Right is a mischief, and that the outlay made for goodwill is in the nature of a second rent, and is a deduction from the just claims of the landlord. To some extent they are unquestionably right; but they forget that their doctrines assume that the tenant enjoys as much security without Tenant Right as he enjoys with it, and that, in the existing circumstances of

Ireland, this assumption is wholly without warrant. Pure economic reasoning, therefore, which postulates, for the applicability of its rules, a state of society in which titles and rights under them are well assured, does not apply, in numberless instances, to the condition of things we find in Ireland, and the facts relating to the Portsmouth estate are a conspicuous illustration of this truth. Economically, the tenantry on this estate, having paid large prices for the purchase of goodwill, in many cases, ought to have been compared with the tenantry on other estates, on which the practice is not allowed, in a poor or a not progressive state; and, above all, the rental ought to have been reduced by at least the interest upon the capital sunk in giving these irregular premiums. The contrary, however, is notoriously the fact; not only are the industry and prosperity of the tenantry in the highest degree evident, but the rental of the estate has increased at a rate unparalleled, perhaps, in the neighbourhood. Does this prove that we ought to shut up our books upon political economy, or that Tenant Right must, in the nature of things, be a panacea for the ills of Ireland? Not at all; it simply proves that the rules of political economy are truths only under certain well-understood conditions, assumed in all instances by the science; and that, in a certain state of society, Tenant Right, especially if depending on consent, may, on the whole, have beneficial results.

The prosperity of the Portsmouth estate is mainly the consequence of the security obtained by the concession of leases, and through Tenant Right matured into custom. Yet it is melancholy to reflect that the law of the land refuses absolutely to notice this usage, and that its continuance depends altogether on the sense of honour of the lord of the soil. It is not long ago that a judge declined to allow the value of the Tenant Right of some

houses in Enniscorthy to enter as an element in calculating the interest of the occupier in them; but though the jury obstinately insisted on disregarding his Lordship's ruling, he was undoubtedly justified in point of law. This fair creation of prosperity, therefore, in a great measure rests upon the will and pleasure of a single man; and though during the life of Lord Portsmouth this, morally, is a stable basis, it is, in the nature of things, perishable. It is true, indeed, that Lord Portsmouth has added protection to the custom by granting a very large number of leases, and that the purchasers of these interests have thus a security for their tenures better than reliance on a single existence. But, in the first place, from what I have heard, the sums expended on the Portsmouth estate for Tenant Right in some instances would not be returned to those who gave them within the period during which they held, even in the case of considerable terms, unless the custom were to continue; and this certainly would not occur in the case of terms of brief duration or of the few existing tenancies-at-will. Assuming, therefore, that Lord Portsmouth's successor should disregard the established usage on the faith of which these outlays have been made, a certain number of his tenantry would unquestionably be exposed to loss, and they would appeal in vain to the law as it stands. If the successor, moreover, as would be his right, were rudely to violate the now recognized custom, and to squeeze out as he could do, by degrees, the interests that had arisen under it, it is obvious that he would not only be doing that which practically would be unjust, but that he would be striking a blow at real rights of property that would check and blight the welfare of the estate. Ought not law, therefore, to throw its sanction over the usage which has silently grown up, and been adjusted by mutual consent, and to protect the Tenant Right that now exists, to

the extent at least of shielding from loss those who have invested money on the faith of it, or who feel they have a saleable interest? And if such a measure were for a time to restrict the absolute dominion of the landlord, and to give his tenants a new status, would it, after all, be doing more than providing, in the interests of justice, for the continuance of a state of things that exists, and for making that legal which is maintained by usage? And would not any honourable mind prefer to a territorial phantom that rights, created with his assent, should be placed under the ægis of law? And would not the suspension of the shadowy sovereignty be more than compensated by the increase of property and of substantial benefit to the proprietor that, from analogy, would be the certain consequences?

Lord Portsmouth, in an admirable letter to the 'Times,' has explained what has been, from his own experience, the consequences of security of tenure. He has been answered in a singular strain by a noble neighbour, who expresses his 'surprise' at several of Lord Portsmouth's statements, and seems to think that certainty of possession is of no advantage to a tenant in Ireland. In my next letter, when I shall review the general condition of this country, I shall possibly adduce some good reasons why, in the opinion of the landlords quoted by that noble Lord. with approbation, nothing is so 'admirable as tenancy-at-will, and 'estates are best managed without leases.' In the meantime, I would ask Lord Courtown, on the supposition that the Irish tenant has the ordinary instincts of human nature, how he can imagine that a precarious can be as conducive as a durable tenure to the true wellbeing of landed property? No doubt leases do not necessarily assure the prosperity of an estate, no more than food of the very best kind inevitably causes perfect health. No doubt, too, the indiscriminate concession of

leases in Ireland many years ago coincided with much loss to the landlords, and with decided injury to the country, for it quickened the development of middlemen, and the multiplication of a pauper population, when the sudden rise of prices, consequent on the war, created rapidly a wide difference between the rent and the returns of land, and thus encouraged wholesale subletting. But that leases, under proper conditions, and in the ordinary circumstances of society, have, as compared to tenancy-at-will, a direct tendency to promote improvement, is a proposition that I think self-evident. How much would Lord Courtown lay out on the town house he hires as a yearly tenant, even though he believed that he should remain in possession for some unknown period beyond his contract? Were the palaces of Grosvenor and Belgrave Squares built on long leases or on tenancies-at-will, depending on the caprice of the ground landlord? What is the use of resisting conclusions that go straight to the common sense of mankind, unless sophisticated or perverted by prejudice, or some sinister influence? And what, in this matter of Irish tenures, is the concurrent testimony on this point of every competent and candid enquirer? Arthur Young, that most intelligent critic, repeatedly declared, as he went through Ireland, that industry and leases went together. The Devon Commission, even at the time when the effects of long middlemen leases were apparent, placed on record its judgment that moderate leases in Ireland ought to be encouraged. And a most fair-minded and able Catholic prelate, who had given remarkable attention to the subject, all but demonstrated in 1865 to a Parliamentary Committee on this question that the gradual diminution of leases in Ireland had been one main cause of her slow social progress.

I shall not, at present, examine at length the causes that have reduced the number of leaseholds in Ireland in

an extraordinary way, have substituted for them tenancies-at-will, and have produced the insecurity of tenure that exists. I reserve this and similar questions for the general review of the land system of Ireland which I hope to make on a future occasion. Here, however, I shall just now observe that four circumstances have co-operated to inducing this unfortunate result. In the first place, the sudden rise of rents that was an incident of the great war with France, and that increased middlemen and subletting, discouraged landlords on every ground of selfish interest, and even enlightened prudence, from binding their estates by granting leases. In the second place, the collapse of prosperity which followed the war, and which continued in Ireland during many years, had a result of exactly the same kind; landlords, ever hoping for the return of good times, were disinclined to fetter their properties by giving interests that, in the actual state of the market, would yield only small rents. In the third place, the wonderful changes that have occurred since 1846 in Ireland have been adverse to the concession of leases; landlords have naturally hesitated to tie themselves down when society was in a state of gradual revolution. All these causes, however, have been perhaps less potent than the cause truly indicated by Lord Portsmouth. Before the great crisis of 1826–29 the tenantry of Ireland—then but slowly emerging from the state of servitude in which centuries of misrule and oppression had left them—voted usually in accordance with their landlords' wishes—at least consented to be driven like sheep to the polling booths at their superiors' mandates. But since the time that the Clare election broke down suddenly this unjust ascendency, and a manlier spirit has grown up among the people, this state of things has by degrees changed; and in by far the greater part of Ireland the autocracy of the landlords has

passed away. This order, however, have not unnaturally —they have really had much provocation to bear—endeavoured to maintain their waning authority; and, beyond all question, they have in too many instances been tempted to withhold leases in order to keep their tenants in subjection. Lord Portsmouth asserted, what is notorious to every one who has studied the subject, that 'for political causes Irish landlords in too many cases refuse to grant leases.' I am at a loss to comprehend how a brother peer should have ventured on a flat contradiction.

CHAPTER XV.

Wexford, September 25.

THE road from Enniscorthy to Wexford rises from the fertile valley of the Slaney over a succession of dry and thin uplands, whence, descending, it crosses the river and reaches this ancient and historic town. Wexford, lying on the estuary of the Slaney, here spread out in a vast sheet of sea, was once a place of very great importance. It was one of the first harbours occupied by the Anglo-Norman conquerors of Ireland; during several centuries colonists from England made it a favourite point for debarcation; and it is associated sadly with the invasion of Cromwell, and with the rebellion of 1798. The town seems at a very early period to have reached nearly its existing limits; its trade is said to have been considerable as long ago as the sixteenth century; and several quaint old dwellings attest the prosperity of a past generation of burghers. The gradual closing up, however, of the entrance to the port by a dangerous bar, which prohibits the approach of large vessels, and the change in the centres of English commerce which has occurred since the days of the Tudors, have reduced Wexford from its former state, and it is now apparently a stationary town of narrow streets and square, slated houses, without many evidences of wealth or industry. I believe, however, that the merchants of Wexford are thriving and opulent as a class; the shadows of past greatness hang over the place; and, to compare small things with great, it reminded me of Bristol, though we miss the crescents and villas of Clifton. I was struck by the almost complete

absence of Celtic names on the fronts of the shops; those most frequently seen belong to the old Norman families settled here by Strongbow; and the men of Wexford boast to this day of being an Anglo-Norman colony. The most remarkable event in the annals of the town is the massacre, certainly of an atrocious character, said to have been perpetrated by the orders of Cromwell. The local traditions about this deed of blood are still numerous and significant; and as those relating to the 'siege in 1798' are not remarkable, though comparatively recent, we may infer that the first scene of violence was of a peculiarly fearful kind. I conversed with a gentleman who well remembers an aged priest who in early childhood heard tales of the massacre from old inhabitants who had received them from eyewitnesses—so few, after all, may be the links that connect the present with that memorable period of subjugation and settlement in Ireland. One phrase of the Protector has been handed down as being, in a special manner, horrible; he is said to have commanded that even the children of the Catholics of Wexford should not be spared, 'lest those eggs might grow into lice.' This does not accord with the character of Cromwell, a great soldier and ruler, though a fanatic; but he certainly, on almost the same occasion, avowed a policy of similar import, and which has equally proved fruitless. He wrote, in a letter still extant, to the commandant of a fort not far from Wexford, that where the 'power of the Parliament could be felt there should not be either Mass or Popery.' At this moment two Catholic churches of exquisite beauty overlook the haven filled two centuries ago by the Puritan fleet—an eloquent memento of the unwisdom of forcing upon a reluctant people institutions and usages unfitted to them.

Having travelled over a great part of Wexford, I can give a general description of the county. This south-

eastern fragment of Ireland is marked off clearly by natural boundaries, which in ancient times were likely to stamp it with a distinctive and individual character. To the north and west it is fenced strongly by ranges of mountains and the line of the Barrow; to the south and east it is open to the sea, and its proximity to Wales and the south of England brought it singularly under English influences in the early age of settlement and conquest. This region was probably thoroughly Anglicized and freed from the inroads of the aboriginal race during the whole of the feudal period of Ireland; it was comparatively at peace in the days of the Tudors; and though it was swept by the Cromwellian tempest, its social organization and structure were not broken up by that vast revolution. The result has been, not only that Wexford is more penetrated, perhaps, by English elements than any other district in the South of Ireland, but that, not as in the case of the old Pale generally, these have had scope for natural development, and to affect powerfully during many generations the mould and general form of society. It is impossible not to see from the look of the people that this is not the land of the Celt. One part of the county is occupied by a colony to this day composed almost wholly of a different race; and the comparative order that has prevailed here during many ages has had the effect of making the relations of life more kindly than usually is the case in Ireland, and of diffusing a spirit of independence and content. As regards the external features of Wexford, it is a tract broken by lofty hills, and often rising into spaces of uplands, swelling here and there into irregular eminences, with valleys between, enriched and watered by fine rivers and their numerous affluents. The soil of the hill country is generally light and thin, and so is that of most of the lowlands; but along the lines of some of the streams breadths of meadow land

and pasture are found of great, if not extraordinary, fertility. If Nature, however, has been less bountiful in this than in other divisions of Ireland, the influence of man has been more felicitous. Taken altogether, the agriculture of Wexford is of a good kind; the look of the county is generally prosperous; and I have seen, as yet, no county in Ireland in which comfort appears to be so diffused through all the grades of society. You pass by, not only beautiful seats adorned with the signs of luxury and wealth, but often admirably appointed farmsteads; and, though rows of mud cabins are sometimes seen, the houses and dwellings of the poorer classes are not seldom singularly neat and trim. Compared to Meath, which in many respects forms a very remarkable standard of comparison, Wexford is a decidedly progressive county. The live stock of Wexford, like that of Meath, increased at the rate of about 50 per cent. between 1841 and 1861; but, while the agricultural area of Meath, from 1855 to 1868, diminished at the rate of 19 per cent., that of Wexford diminished at the rate of 3 per cent. only. It deserves peculiar notice that this striking difference coincides with two different types of husbandry. On an area of 576,040 acres Meath has 2,443 farms rated at the value of 50*l.* and upwards; whereas, on an area of 571,192 acres, Wexford has only 1,296 farms of this size, and is generally a county of rather small holdings.

The condition of society in Wexford may be pronounced to be, on the whole, prosperous, exceedingly so if we contrast it with the condition of some other parts of Ireland. Not, of course, that there is not much poverty—it is, unfortunately, a truth too confirmed by experience that the poor must be always in the land—but that in the order and relations of life you do not often meet with those steep differences of comfort, character, and even tone of thought which in many places are so marked and

grievous. The wages of the agricultural labourer vary from 6*s.* to 10*s.* a week; they are tolerably constant through the year, and, as he enjoys considerable privileges of lodging and firing on some estates, he is usually in a reasonably good position. The rent of land is exceedingly variable, on account of the varied nature of the soil; and it is noticeable that it has advanced comparatively little during the long lapse of nearly a century. In the days of Arthur Young it had reached 35*s.* an Irish acre for the best soils, about 5*s.* or 6*s.* being paid for the worst; at the time of the Devon Commission it stood at about 50*s.* and 10*s.*; and, with the exception of a few favoured spots, it has not risen much since 1844. The cause of this relatively slow advance is, probably, that three generations ago Wexford was in a much more settled state than most of the other counties of Ireland which have since grown more rapidly in wealth, and that it had then a command of good markets almost closed to the interior of the country. Taken altogether, and having regard to the quality of the land, I think that the rate of rent in Wexford is on a high average; but though I heard some complaints of rack rents, this was not anywhere a general grievance. The land system of this county, although resembling in some respects that of other counties visited by me, has, nevertheless, what is good so prominent, and what is bad so little in sight, that it may be said to work tolerably well, though theoretically far from perfect. The line between the owner and occupier of the soil is nearly that between Protestant and Catholic, but resident landlords are very numerous; they are, speaking generally, fair in their dealings, and the relations between them and their tenants are, for the most part, of a kindly character. On many estates gracious customs exist, almost unknown in other counties, that knit together the frame of society; and the intercourse of superior and dependent is often

liberal, equitable, and honourable. As the natural result of this state of things, there is practically less insecurity of tenure in this county than in many others. Leaseholds are still comparatively frequent; and I met numerous instances of what at one time was a tenure very common in Ireland—leases for three lives or thirty-one years. On the whole, the elements of society in Wexford are more happily blended than I found them to be in any district I have yet seen. The relative position of landlord and tenant is largely adorned by mutual goodwill, and the results are visible in general progress, in signs of content that cannot be mistaken, and in a remarkable look of independence and self-reliance among the humbler classes. The causes of this comparative felicity I cannot doubt are that society in Wexford is founded upon a colony which took root in the land at a very remote period, and, safe from war and discords of race, grew up naturally, and formed itself gradually into a well-compacted and settled community. This is the distinctive difference between this county and other Anglicized portions of the South of Ireland; here order had an opportunity of development; in these the fair chance was never found; and, though Cromwell confiscated a part of Wexford, his settlement did not greatly disturb a condition of things that had become established. At all times landlords and tenants in Wexford have, comparatively speaking, 'pulled well together,' of course putting exceptions aside; and it deserves notice that not a few gentlemen of large estate and ancient descent threw in their lot with that of their dependents in the unhappy rebellion of 1798. Yet it must not be supposed that everything in Wexford is to be painted in a roseate hue, and that there is no land question even in this county. I have heard of some painful cases of evictions, and have read lamentable descriptions of them; but as I have not got to the bottom of facts, distorted evidently

by passionate statements, I shall make no further allusions to them. In this county, with many exceptions, what has been done to improve the soil—and what has been done is very praiseworthy—has been the work of the occupying tenantry; and thus an immense mass of rights of property, in the most strict and legitimate sense, is protected merely by local usage, very strong indeed, but without legal sanction. Though leaseholds, too, are not uncommon in Wexford, and tenures are really tolerably secure, the number of tenancies-at-will is too great, and, I am sorry to say, is on the increase. My information, and I have collected it from numerous sources, not without care, does not bear out Lord Courtown's assertion, that no Wexford landlord has withheld leases from his tenantry for the sake of 'political influence.' A gentleman with peculiar local experience has told me that, though such instances are rare, some Wexford landlords who take an active part in elections at least do not give leases; and, as might have been expected, Conservative landlords are more conspicuous in this tendency than those of Liberal and popular principles. Lord Courtown, having publicly directed attention to his mode of managing his estates, I have paid particular attention to the subject, and I am happy to report that by reputation he is an honourable and kind-hearted man, and that his property has a prosperous appearance. Nevertheless, he but 'seldom' grants leases; and though he believes, of course, that his 'political influence' has nothing to do with this insecurity of tenure, I have been led to an opposite conclusion. Lord Courtown, moreover, it would appear, adopts means for assuring sympathy in religion between his tenants and himself which a degenerate age will hardly applaud. I write with an advertisement before me, in which Lord Courtown's recognized agent announces that a farm near Gorey will be let, 'on which a dwelling-house and offices will be

erected for a solvent *Protestant* tenant'; and I am informed that the offer of a Catholic candidate of an unexceptionable kind was politely rejected. All this I dare say can be satisfactorily explained; but this mode of assuring 'one law and one faith,' on an estate in a very Catholic county, is too heroic for these evil days. I have no doubt it would delight the shade of Lord Courtown's Cromwellian ancestor, who lighted upon a rich forfeiture in the times when 'transplanting Papists to Connaught, to clear the heritage of the elect,' was the fashion; but it seems rather absolute to a generation which, I trust, looks beyond the strife of creeds to a precept simple, grand, and divine—'This commandment I leave you, to love one another.'

Being at Wexford, I paid a visit, as a matter of course, to Bargy and Forth, two well-known divisions of the county that express, in a very perfect form, the general characteristics of this part of Ireland. These baronies as long ago as the time of Strongbow were settled by a colony from Pembroke, composed of Anglo-Normans and Flemings, the aboriginal race having been extruded. The colonists planted themselves in the land, and, fenced by the sea and a range of hills, became a separate and peculiar people that has never lost its distinctive character. They flourished under their feudal lords, and, united to them by that strong tie which binds all fellow-colonists together, they formed a sturdy and prosperous community, moulded on a fortunate type of society. Cromwellian settlers entered on part of their lands; but the conquerors were not able to change the fixed usages of the little commonwealth, and in a short time they conformed to them. So the seventeenth century passed away, and Arthur Young, when he saw them in the eighteenth, dwelt with enthusiasm on their 'superior industry,' on their 'better living' and 'habitations,' on their 'Saxon language,' on their 'quiet' and happiness. I travelled through the baronies for miles,

and was really delighted with what I saw. This community, after the lapse of centuries, retains clearly its individual mark; it is a colony on the verge of the land of a nation. The race has regularly intermarried within itself; Anglo-Norman and Flemish names abound; the men and women have no Celtic features; their dialect I should call an English *patois*. But what is most remarkable in this interesting district is the character of its husbandry and social life. The land is generally rather thin and cold, though there is abundance of seaweed for manure; but the agriculture is with rare exceptions admirable, and it has a look of neatness and care that I have not met in other parts of Ireland. The farms are for the most part small, from forty or fifty to ten acres; but, as a class, the holders are exceedingly prosperous, and many of them have considerable sums of money. The appearance of the dwellings is very striking; here and there you see excellent slated houses, but the most common habitations are ancient homesteads, thatched with exquisitely finished roofs of straw, and brilliant with repeated layers of whitewash. I entered many of these pleasant homes, and was charmed with the degrees of comfort evident, with the old clocks, the tidy furniture, the quantities of linen, the prevailing cleanliness. I never saw anything like the whole district. I imagine it may have had its counterpart in some counties in England in the last century, before the growth of capital and manufactures broke up the system of small farms.

What are the causes of this prosperity, of this fragment of a happy form of life, let into the unlovely frame of society in Ireland? These people are, with hardly an exception, Catholics; so the offensive theory is at fault that resolves all the ills of Ireland into 'Popery.' I do not undervalue the influence of race; yet parts of Meath, where, as a rule, the peasantry are miserably poor, may

not be less Anglicized than these baronies. The farmers in Bargy and Forth enjoy security of tenure to a great extent, and have in numerous instances leases; yet I am not, I hope, so shallow as to think that this circumstance fully solves the problem. The paramount cause, I cannot doubt, is that in this instance, as so seldom has been the case in other parts of this country, the natural progress of the community has never been rudely checked or thrown back by ages of feuds and civil discord. In this instance, as has been beautifully written, 'Society which springs from the soil, and forms itself by the tillage of land, training its people to thrift and industry, ripening by centuries of time, and binding all orders and inequalities of rich and poor, master and servant, together in mutual dependence, mutual justice, and mutual charity, making even the idle to be thrifty and the powerful to be compassionate—this growth of human happiness and order has become symmetrical and mature' by a series of accidents in the district. Long may the little commonwealth flourish, long may it be before the hand of time brings change on these peaceful and happy homes, and when it does may it gradually evolve some higher and better form of existence! Unhappily this fair development of humanity is too rarely to be found in Ireland, and this leads me to make a single remark with reference to the Irish Land Question that no doubt has occurred to a thoughtful reader. I am one of those who are convinced that, without any organic change, without any shock to the rights of property, nay, by an enlarged appreciation of them, it is possible to amend the land system of Ireland so as to bring it in harmony with fact and right, and to inaugurate for it a better future. But let us not imagine that human legislation can accomplish results beyond its power, can suddenly transform the country into a region that wears the look of industry and wealth conspicuous in this most

interesting district. Society in Ireland has not had the chance of expanding into these fair proportions; its natural growth has been violently disturbed; and you might as well expect by an Act of Parliament to cure rapidly the varied mischiefs that flow unhappily from this state of things as to restore by the spell of a quack medicine a diseased cripple to the full strength of manhood. Let us do what we can, and not hope for wonders.

Agrarianism has long been unknown in this county, and Fenianism took no root in it. There is, however, some agitation for 'fixity of tenure' and a State-settled rent; and 'Tenant Right' is demanded by a certain number of persons, some of eminent position and rank. The feeling, nevertheless, for change is as nothing compared to what it is in less peaceful and well-ordered districts; there is no general antipathy to the law, no sense of pervading discontent, the more dangerous because vague; no complaints of widespread wrong and oppression. I conversed with farmers of all grades, and many of them declared themselves well satisfied with the existing order of things around them, or said that 'fair leases were all that was wanted.' The fact is that in this county the landed classes as a general rule are united by the sense of mutual esteem; the landlords respect the rights of the tenants, and the tenants respect the rights of the landlords, with few exceptions on either side; the usages of the county are very seldom violated; and the tenantry, conscious of comparative security in the majority of instances, do not yield to extravagant or revolutionary ideas. Yet this county, now so contented and tranquil, was the scene of some of the worst atrocities in 1798, and the question occurs to a thoughtful mind, What has been the cause of this moral transformation in the brief space of two generations? Strange as it may seem, I believe that phenomena apparently of the most different kind may be traced ultimately

to the same circumstances, the peculiar character of the people of Wexford, and the tendencies gradually formed among them. A race, made of rather stern stuff, proud, independent, and intensely Catholic, would naturally resent the insults offered to its faith in the times of the Penal Code, and would not submit tamely to the excesses of licence, of outrage, and of abuse of authority indulged in by the 'loyalist' faction of Wexford in 1798. The same race, in a happier age, and under a better condition of things, would instinctively follow the habits of industry, of self-reliance, and of self-respect which have been its fortunate heritage from the past; would vindicate for itself, by peaceful means, its natural rights in the relations of property; would by its own firmness place society on a comparatively just and sound basis.

CHAPTER XVI.

Waterford, September 30.

THE road from Wexford to New Ross ascends from the estuary of the Slaney, and traverses a series of light uplands, laid out evidently in small holdings, with here and there some fine country seats. You see on the left the range of hills, notched and jagged like a Spanish sierra, that cuts off the communities of Bargy and Forth from the inhabitants of the rest of the county, and that, doubtless, contributed to shape their destiny in the distant age of their colonization. After passing the village of Taghmon you reach a country rather more fertile, yet in which the peasantry appeared to me rather less prosperous than those near Wexford, though I could not trace a very marked distinction. Some miles further on you descend suddenly by a steep incline to the valley of the Barrow, and light on the little town of New Ross, hanging on the slope of a hollowed eminence, and thence slanting down to the side of the river. New Ross, though a stirring and busy place, has not flourished as you might have expected from its extraordinary natural advantages; it is still only a small seat of trade, though ships of a thousand tons burden can discharge their cargoes upon its quay at a distance of twenty miles from the sea, and though the Barrow is navigable a long way upwards. From New Ross I went by steamer to Waterford, and dull is the mind that is not touched by the beautiful scene of richly-wooded lowland, dotted in many places by fine mansions, and overtopped by picturesque hills, through which the stately stream glides down to the ocean. A student of the social

state of Ireland will not fail to notice that this landscape, too, presents the marked varieties of culture to which I have already adverted—the large parks and farms of the wealthy below; above, the little homes of a peasantry that has gradually enclosed the whole mountain-side; and he will observe with a feeling of regret that hardly a sail appears on the watery expanse, and that life is not quick and stirring upon it. After rounding Cheek Point, where the Barrow and the Suir unite in their onward course to the sea, the signs of industry suddenly increase; craft of all kinds often meet the eye, and you feel yourself on a highway of commerce. Having hastened by a beautiful succession of villa-like seats and trim enclosures, divided by the now animated river, you see the roofs and spires of a large town open from a fine and broad reach, and you are soon landed on the magnificent quay that skirts the whole length of the city of Waterford.

Though one of the most ancient cities in Ireland, Waterford has not many features of interest. The ruins of its feudal walls and bastions and of its once venerable religious houses have been almost effaced by the hand of time; and, strange to say, its most venerable structure, perhaps the oldest stone building in the kingdom, is not, even at this day, a ruin. This is the round tower of Reginald the Dane, said to have seen the first years of the eleventh century, and to have been the place where Eva, the daughter of the Celtic chief of Leinster, gave her hand to Earl Strongbow, the Norman conqueror, a marriage intended in good faith to have been the pledge of a union of races, but that, in its policy and its results, reminds the student of history sadly of the nuptials, in a subsequent age, of the Indian Princess and the Virginian settler. The existing town is beautifully situated on a strip of land on the right bank of the Suir, here flowing grandly between shelving cliffs; but, with the exception

of its fine quay, and of a conspicuous, though heavy-looking, cathedral church, it has few objects to attract a stranger. Though it is the terminus of two long lines of railway, and its noble roadstead seems to invite commerce, Waterford is not a particularly thriving place; its feeble manufactures have disappeared, its population has rather diminished, and its exports, imports, and even shipping, have not increased rapidly of late years. It is not my purpose to dwell at length on the general state of the adjoining county. In outline and the quality of its soil it bears a certain resemblance to Wexford, but its boundaries are not as boldly defined; it is more divided by mountain ranges, and the land is, on the whole, poorer. The material condition of the inhabitants resembles that of the greater part of this people—that is, since the last twenty years considerable progress has been made; nothing like general distress exists, and there is a fair amount of social prosperity. Discontent, however, is not wanting; a good deal of agitation prevails for fixity of tenure and a *maximum* of rent; and though agrarian crime is at present unknown, the Fenian movement was in places active. The land system of the county, on the whole, presents the phenomena I have repeatedly noticed—the same separation of classes into sects, the same clashing of law and fact, the same monopoly of rights by the landlords, the same want of protection for the rights of the tenants; and the results are, essentially, the same—that is, the landlords as a body respect the vague usages which alone defend the tenant, but occasionally harsh men disregard them. Those who have read De Tocqueville's account of France before 1789 will easily understand how, in this state of things, the very gradual increase of prosperity will quicken the elements of dissatisfaction; how, as the peasantry rise in the social scale, they feel more acutely the injustice to which they are exposed by the law as it stands. Not,

however, that Waterford, relatively to others, can be pronounced a progressive county. The value of its live stock has advanced at the rate of about 35 per cent. only between 1841 and 1861, its agricultural area having lessened more than a tenth from 1855 to 1868, and this certainly will not bear a comparison with the state of Wexford. It is noticeable, too, that the population of Waterford has as to that of Wexford decreased in the proportion of 86 to 64, a circumstance not without significance, regard being had to the above figures.

What I wish to examine in this letter are the circumstances of a single estate, which suggest reflections of an interesting kind to every student of the Land Question of Ireland. About ten miles to the north-west of Waterford the traveller reaches a deep, broad valley, almost closed in by hills in the near distance, through which the Suir winds its silvery way along luxuriant spaces of pastures, rich corn lands with their yellow sheaves, green masses of wood crowned with fair houses, towns, villages, farms, and peaceful homesteads. Two centuries ago a Cromwellian soldier, of ancient and noble descent however, settled on a nook of this fertile tract, at a place where the valley, forming a curve, seems like a gem set in the surrounding mountains. He became the ancestor of a family which, emerging gradually from mere local rank, mingled its blood with that of the highest in the land, grew into one of those patrician Houses which have so powerfully affected the empire, and gave to the State a worthy succession of gallant soldiers and not unknown statesmen. The family seems from an early time to have remembered, in the expressive phrase of Burke, that in Ireland it possessed a country, and in the last century to have put off the evil associations of Protestant ascendency, and it has been long distinguished for liberal sentiments and kindly and genuine sympathy with the people. Its members,

however, were usually absentees until a comparatively recent period; but after the events of 1846 the head of the House has lived regularly on his Irish estate some months in each year, and has devoted peculiar attention to it. I drove over a large part of the property, and was greatly pleased with much that I saw. From a grey square mansion, with the adjoining park a scene of cultivated taste and refinement, I passed into a village close by, a special object of the care of the proprietor. The neat houses and cleanly street had a look of thriving ease and comfort; but what struck me most were the dense rows of well-built and well-slated labourers' cottages, tokens of abundant and constant employment. From the village I went, by roads smooth as a floor, along a succession of trim farms, all in a state of admirable cultivation, until I reached a higher tract of land, where you met repeatedly the little homestead and plot of ground of the humble peasant, each, nevertheless, improved and in order. At last, from the top of a swelling eminence, commanding a prospect of rare beauty, the estate lay as in a map before me; and the view of the numerous rustic homes dotted thickly over the slope below, and clustering near the principal mansion as it rose from the midst of rich wood and lawn, was like an idyll of country happiness. The character of the husbandry was seen at a glance. It was a property of small holdings, kept, however, in a state of rare perfection, and evidencing no common or transient care.

Such is the tract which during six generations has been under the control of the House of Bessborough. Lord Bessborough's agent courteously gave me much information upon the manner in which this fair creation of industry and skill has been gradually brought into its present condition. Before 1846 the estate, though under gentle superiors, had been, comparatively, rather neg-

lected. Part of it had fallen into the hands of middlemen, who had recklessly subdivided the lands, with no thought but to make profit from them, and there had been, accordingly, a great deal of poverty and a dense accumulation of population. I remember having casually paid a visit in those days to the place, and I recollect distinctly that at several spots you met whole villages of mud cabins, and that many of these habitations were wretched. The famine came, and Lord Bessborough solved the stern problem suddenly set before him of adjusting the property to the new state of things, not, as was the case with too many landlords, by inhuman 'clearances' and forced emigration, but by a happier and more natural process, which fortunately proved completely successful. Taking the population as he found it, he fostered it during the terrible crisis by liberal and judicious employment, and, though he did not discourage emigration, and many of his dependents quitted their homes, not a single notice to quit was served, and not one family was capriciously evicted. By these means his poorer tenantry were preserved from the shock of the great revolution, and as the middlemen's leases dropped in he dealt directly with the sub-tenants, and treated them in the same gentle manner. The mould and organization of society were thus never rudely broken up, but they were slowly transformed to a better type, and placed upon a more secure basis. The Bessborough estate is still one of small holdings, there being on an area of some 20,000 acres two farms only rented over 200*l.*, and 437 tenancies rented at from 20*l.* to 2*l.*, and 170 little crofts remain at a nominal rent of 1*l.* only. The whole community, however, is evidently flourishing, and, instead of presenting, as some persons would insist that it would inevitably present, an appearance of backwardness and decline, it displays all the marks of thriving prosperity. This result must, in the main, be ascribed

to the management of the present proprietor. The mud cabins have disappeared, and have been replaced by excellent cottages, built wholly at the expense of the landlord; the dense population, in a great measure, has been kept together by productive employment; the little farmsteads have been gradually re-formed by the judicious expenditure of the owner, encouraging the efforts of the occupiers; and, though the outlay has been very great, I believe it has been not unremunerative, while it is unnecessary to dwell on the good social consequences. At this moment the Bessborough estate is a beautiful specimen of small-farm husbandry promoted and stimulated by the proprietor, and of industry well directed and generously compensated. Lord Bessborough spends every year large sums in improving farmhouses, fences, and drains, in selling seed and manure at low prices to the occupiers in want of such aids, and in keeping his noble demesne in fine order. As I saw the results of this assiduous care in garden-like fields and happy homes, in the signs of comfort and triumphant industry, spreading from the valley to the high hilltop, I could not help thinking how different might have been the fate of this property in different hands, and how different at this moment would be the position of the Land Question of Ireland had all landlords followed a like course.

As Lord Bessborough manages his estates for the most part upon the English plan, so he does not permit the Irish custom of the sale of the goodwill of farms to grow up, and he retains dominion over his property. What are the lessons which a reflecting mind will derive from observing this prosperous scene? In the first place it will be noticed how, by a singularly humane process, a landlord has been gradually enabled to change the character of his estate, and to transform it from one of an Irish type to one, to a great extent at least, modelled on

a modern English pattern. Lord Bessborough has not expatriated his tenantry; he has retained the system of small holdings; yet he has preserved his property without serious loss through the ordeal of a social revolution, and he has largely added to its essential value. In the second place, as during the last twenty years he has, either by direct expenditure or by liberal allowances for them, effected most of the improvements on his estate, he has, in a great measure at least, excluded the equity in this respect which his tenants otherwise would have in his lands, and he has not permitted his freehold ownership to be eaten away by a Tenant Right which practically would leave him only a rentcharge. He has thus not only, with infinite pains, put his property into good order, but he has a fair right to call it his own in an exact and legitimate sense, disincumbered, certainly in a great degree, from most of those indefinite claims which form the grand difficulty of the Irish Land Question. In this state of things I would ask Mr. Mill, or any fair advocate of 'fixity of tenure' at a rent to be adjusted by the Government, whether he would think his proposed scheme advantageous to such a property as this, even from the point of view of the tenantry. I will concede, for the sake of mere argument, that 'fixity of tenure' could exist without encouraging ruinous subdivision, and that, as certainly would be the case if a fair calculation were made of the rental, Lord Bessborough's income would not be diminished. Assuming, however, all this, what chance would there be that this estate would continue in its present state of prosperity under the new conditions imposed on it? Deprived, as they assuredly would be, of the liberal aid extended to them, the small tenants would sink down into hopeless poverty after a brief struggle, and all the cottagers would rapidly disappear, as their nominal rents would inevitably be raised, and they

could hardly hope to find constant employment. The severance, too, of the proprietor from the soil, and from all immediate interest in the occupiers, would be mischievous in a hundred ways. Mr. Mill, indeed, with logical candour, admits that this would be the result in all instances of this kind, and I venture to think it would prove most hurtful to the little community. Society, therefore, on this estate would be rudely disturbed—perhaps broken up; and what, looking beyond supposed expediency, would be the justice of the projected revolution? Would it be commonly honest to convert Lord Bessborough from what he is, in a real sense, a landowner, into a pensioner, with even an increasing rentcharge? Would it be fair to deprive him of the happiness of discharging honourably the duties of property, an incident of the ownership of land which every liberal mind values, and which revolutionary folly alone resolves, in every case, into the mere love of power?

Yet, however pleasing at this time is the condition of the Bessborough estate, a thoughtful person will not forecast its future without some degree of misgiving. It is unquestionably in part an artificial growth, the result of the care of the proprietor; and the civilization that comes from above is not likely to be so permanent as that which increases from below, from the industry of generations of occupiers. The prosperity of the baronies of Bargy and Forth springs from the soil and is rooted in it; the prosperity of the Bessborough estate is the gift of one man and may perish with him. Furthermore, it, in a special manner, depends largely upon the proprietor; for, though Lord Bessborough has given leases freely, is willing and anxious to give more, and has thus created security of tenure on a considerable portion of his estate, his very small tenants hold all *at will*, and it is difficult to contend that in these cases leases ought to be univer-

sally conceded. It is possible, therefore, that a new landlord might seriously interfere with the state of things that now exists upon this property; it is probable that, if he were harsh or illiberal, the prosperity due to fostering care would rapidly fade away and disappear; and though it is not likely that this would be the case during the continuance of the House of Ponsonby, it is, of course, a contingency that may happen. Nevertheless, taking the very worst chance, a bad proprietor would hardly meddle with the order of things on these lands on the lowest grounds of the merest selfishness. It would cost any one an enormous sum to change the character of the husbandry on this estate and to enlarge the small into extensive holdings; and, having regard to their present condition, and to the rents they readily yield, the experiment could not possibly pay. This, therefore, though not as great as one could wish, is a real security that the form of social life that prevails on this tract will not be rudely altered or even injured; not to say that, after all, it is reasonable to suppose that few men would resort to mere wanton destruction.

CHAPTER XVII.

Cork, October 8.

THE line from Waterford to Limerick Junction runs through the noble country of mountain and valley, divided by the Suir and its affluents, which I have briefly described in previous letters. At the Limerick Junction the train to Cork speeds along the outlying spurs of the Galtees through a fertile tract of exuberant pastures, until the station near Charleville is passed, and thence it proceeds through ranges of hills by Buttevant and Mallow, on its way southwards. It was raining as it only rains in Ireland when I was hurried along this part of the route, and dense masses of cloud and mist obscured the landscape and blurred out its features. At Mallow I caught a passing glimpse of the Blackwater, rolling in turbid flood through rich flats of the brightest green, and thence to Cork we seemed to go through a series of tame and poor uplands, as far as I could see through the drift their outline. The morning brought sunshine, and disclosed the ancient and famous capital of Munster, rising, tier over tier, along the sloping cliffs that shelve down to the banks of the Lee, and overlooked by an amphitheatre of hills that hem it in with their green eminences. As is the case with all cities in a hollow, the fine public buildings of Cork are seen at a disadvantage from the heights above, and the dense lines of its closely-packed streets seldom open to spaces that display their proportions. Some, however, are of remarkable beauty, and several of the churches of either faith, more than one of the principal institutions, and, above all, the graceful and

sumptuous College, are deserving of more than passing attention. As for the city itself, the old 'egg-shaped town,' described by Spenser in graphic verse, has expanded into a vast circle of broad ways, surrounded by narrow streets that now cover all the 'islands' of the Lee, and stretch eastward to a rich plain, formed by the drainage of the river 'marshes'; and gay shops, extensive warehouses, big breweries, distilleries and mills, and crowds of shipping along its quays, show that Cork is a seat of long-settled opulence. The most interesting feature of the place, however, and the one that most clearly indicates its wealth, is the long succession of magnificent villas that extends for miles along the shores of the Lee, as it winds slowly on its way to the sea, through irregular terraces of wooded hills. This spectacle combines in the highest degree all that the charms of nature and the art of man can effect to make an exquisite scene; and the panorama of mansion and park, stretching down the grassy and tree-crowned slopes in continuous beauty to the waters below, is one that is not easily forgotten. After admiring this landscape for a time you see the river gradually widen, the masts on it rapidly increase as the roadstead of Passage is approached; and at last you reach a superb estuary, where, fenced in by hills and protecting islets, the navies of many nations might ride at anchor near the crescents of Queenstown. Cork has lately vindicated in a signal manner the device upon the municipal arms, *Statio bene fida carinis.* More than once during the gales of September five hundred ships were seen at a time taking shelter, in this grand natural haven, from the tempests of the neighbouring Atlantic.

Cork calls itself the Premier County of Ireland, and is a region of no little interest to the historical and geographical student. This vast tract, which extends from the verge of the Galtees to the capes of Bantry Bay, and

from the waters that flow to the Shannon, through Kerry, to the far distant borders of Waterford, has at all times been singularly affected by any foreign influences that have penetrated Ireland. Its capital in a remote age was occupied by a colony of Danes, who spread over many spots on the seaboard; in a later century it was divided between Anglo-Norman nobles and their dependents, who, however, not being strong enough to subdue or expel the native race, became gradually amalgamated with it. During the great crisis of the sixteenth century the fine harbours of Cork and its proximity to Spain made it a point of vantage to the enemies of England; and more than one fleet of Philip II. sailed from its coast to support the risings of Tyrone and the lordly rebels of Desmond. Having been reconquered, and settled from England under circumstances, it is said, of frightful severity, it felt the fury of the arms of Cromwell, who confiscated a very large part of it; and in the Jacobite wars that followed it became the theatre of a fierce and doubtful conflict. In the ensuing century it gave an asylum for a brief space of time to the ships of Hoche, and in our day it has been the head-quarters of the Fenian organization and movement. Society, accordingly, in this district has been repeatedly disturbed by violence; and its structure and tendencies have, no doubt, felt the effects of numerous invasions and conquests. As regards the external features of the county, it may be described as an alternation of lowlands and hills in parallel lines, divided in the midst by a well-defined range, and enclosed, for a great part of its space, between lofty mountains and the Atlantic Ocean. The soil to the north, where Cork runs into the pastures of Tipperary and Limerick, partakes of their admirable fertility, and it is usually rich in the valleys of the Blackwater, the Lee, and the Bandon, that flow west to east through a

large breadth of the county. As a rule, however, it is not good; on the uplands and the sides of the chains of hills it is, for the most part, light and thin, and in many places it forms mere rough wastes of little value as an area for tillage. Cork exhibits distinctly the varieties of husbandry and the different and opposite types of cultivation that are so commonly seen in Ireland, and, speaking generally, its fine grass lands are occupied by wealthy tenant farmers, while the inferior are held by a poor peasantry, in some districts, especially towards the west, tried often by want and severe privation. Taken altogether, and excluding the capital, which has flourished greatly since free trade has made it a large *entrepôt* for corn, Cork cannot be called a prosperous county; its agricultural area has diminished at the rate of nearly 5 per cent. in the last fifteen years, while its live stock had increased one-third only in value between 1841 and 1861.

Having travelled over a large part of this county, and been given courteously a great deal of information, I shall briefly describe its social position, reserving for a subsequent letter an account of its western highland districts. The state of the classes connected with the soil is, taken altogether, less prosperous, even in a material point of view, than it is in several of the counties I have visited, especially Tipperary and Wexford. The wages of the agricultural labourer—excluding, of course, spots near this city—vary from 6*s.* to 9*s.* a week; but, as I hear, they are not very constant; and even at this rate they excite the envy of a good many of the very small holders. The rent of land in the days of Arthur Young varied from 50*s.* to 6*s.* the Irish acre, and may range now from 75*s.* to 12*s.*; and though it is moderate on the fine pastures, it seemed to me on a very high average over some tracts of inferior soil. Arthur Young in his time made the same remark; and the fact, I think, hardly

admits of doubt, whether the cause be that, in some places, there are considerable facilities for getting manure, or that the bad lands are better than they seem under the influence of this southern climate, or that the competition of the peasantry is excessive, or that, as a most thoughtful gentleman observed, 'the spirit of exaction had become traditional in this part of Munster.' I do not hesitate to say that some estates in this county are rack-rented in a manner uncommon in those parts of Ireland respecting which I have before written. I have before me an instance of a property under the superintendence of the Court of Chancery, the tenants of which have been so ground down by the raising of rents from 1854 that they are at this moment hopelessly in arrear, and that the Master—I wish to do justice to the equitable boldness of Mr. Fitzgibbon — has, all but outstepping his jurisdiction, directed the Receiver to be satisfied with what he thinks can be reasonably collected. Such cases, I fear, are not rare in this county; and, having ridden some thirty miles over one barony near the sea-coast, and enquired into the circumstances of a great number of farms, I thought them, with few exceptions, overrented.* I was extremely sorry to find too much of this rack-renting in the county of Cork; for how is it possible directly to remedy this evil?

The general result of this state of things is that while the large graziers and dairy farmers, who possess for the most part the good lands, as a rule are wealthy in this district, the numerous class of small occupiers, who are usually spread over the inferior soils, are in a backward and depressed condition. This is written, as it were, on

* I omit here a reference to an estate that I thought much overrented—not that, as indeed I proved, the fact was not so, but that, other estates being worse managed in this respect, I shall not dwell on a particular instance.

the face of the country: a few fine farms are occasionally seen, but the habitations of the peasantry are generally bad, a small neat farmstead is not often met, whole estates had nothing but mud cabins on them; and though the common people seem less miserable and devoid of hope than those of Meath, they are evidently a struggling and poor race. As for the land system of the county, as a whole, it is, in its broad outlines, essentially the same as that which I have so often described, except that its vices are too prominent. Speaking generally, the same religious differences divide the owners and occupiers of the soil; the same absenteeism is too prevalent; there is the same widespread insecurity of tenure; law in the same way upholds the power of the landlord, and disregards the just claims of the tenant; there is the same creation of vast rights of property in the form of improvements by the peasantry, unprotected by the least legal sanction, and liable, nay, exposed, to confiscation; vague usage similarly is the only safeguard against frequent and intolerable injustice. If we realize to ourselves the number of mischiefs that flow inevitably from this state of things, we shall, perhaps, cease to wonder that discontent, agrarianism, Fenianism, or any other form of dissatisfaction with existing arrangements has such a hold on the Irish people. How fierce and bitter may be the antagonism between the superior and the dependent, brought together in a social relation especially requiring mutual goodwill, but belonging to creeds irreconcilably at feud! What a want of sympathy must exit between them! How harsh must be the pressure of proprietary rights, and how unmitigated by gracious influences, when the presence of the landlord is felt only in the demands of the agent or bailiff, and when, as too commonly is the case in Ireland, the non-residence of the territorial magnate enables petty Squire Kites to prey on the poor, free from the restraint of more noble

examples! What must be the peasant's notion of a law which at best keeps him in absolute dependence, which limits him, like a savage, to 'an annual culture,' which in the actual state of society in Ireland compels him frequently to invest his all in the possession which he receives from another, and which, when he has so laid it out, permits it to be filched away or transferred for the benefit, perhaps, of a harsh taskmaster! And how idle it is to say that law is, in this particular, worse than fact; that wrongs of the kind are of rare occurrence; as if the possibility of their existence, not to speak of instances but too numerous, were not in itself a crying shame and grievance! If we put fairly these things together, let us not be surprised that the occupiers of the soil in Ireland, and the classes connected with them, are dissatisfied, and ready for violent change, it is to be feared, in too many districts; and let us not suppose that, even though their material condition were to improve, this dissatisfaction would not increase. Let us recollect the pregnant wisdom of De Tocqueville's remarks on this very subject:—'The evils which are endured with patience as long as they are inevitable, seem intolerable as soon as a hope can be entertained of escaping from them.'

I have written thus much because the relations of landlord and tenant in this county are too often of an ungracious character. Not that excellent landlords do not exist; I have much pleasure in mentioning the names of Lord Cork and the Duke of Devonshire, who redress the evils of absenteeism, as far as it is possible to redress them, by managing their estates on enlightened principles. Lord Cork and his family have always given leases; the Duke of Devonshire, to some extent at least, allows a qualified Tenant Right, and enjoys the full confidence of his tenants; and thus, in both cases, the great result of security of tenure is obtained. I have heard, too, of not a few good

resident landlords; and the landlords of this county, as a class, I am sure, do not exercise harshly extreme rights, and do not exhibit the evil spectacle of manners combining with law in injustice. Nevertheless, 'landlordism,' as it is called, wears occasionally here an unkindly aspect. I have heard of remarkable instances in which even considerable proprietors until not long ago preferred Protestant to Catholic tenants as a matter of course; and I have reason to think that the gradual discontinuance of this offensive and irritating practice has been due rather to the pernicious results to the rent-roll of this monopoly of sect than to any peculiar moral improvement. I have been told of cases in which agents have been oppressive, or have administered property in a corrupt manner; and until recently some landlords have been accused of more or less coercion in order to influence votes at elections. Leases, too, as elsewhere, are uncommon, except on a few well-known estates; and I have listened to several complaints of evictions, apparently without just cause, of sudden and capricious raising of rents, and of disregarding unfairly the equity of the tenant in respect of improvements. On the whole, the 'system' in this county bears the marks of severity and disunion of class; and it is possible that the ultimate cause is that society was repeatedly broken up by violence and successive conquests. As a personage eminent in rank and birth, and singularly well fitted to form an opinion, observed to me, 'the later colonists have never really settled in this district; they have few associations with the country; they dislike the people and are disliked by them; and the result is that they think only of getting all that they can from their lands, and they would not care if they sold them to-morrow.' It is impossible that the relations of landlord and tenant could generally be happy in such a state of things.

As a proof of the wrong which has been done by a severe

administration of the law upon an estate in this county, I give an instance which I casually found out, and which, I doubt not, might be multiplied. I happened to see a neat slated house standing almost alone in a fair-sized tract, and I asked the occupier how he came to be in possession of such a good dwelling. 'Oh!' he replied, 'it was not built by me, but by the tenant who was here before me, and he, poor man, is gone to America.' I then asked why he had left this country, and the answer, given with a look combining suspicion and hatred in no common degree, was 'that he had been ejected for a year's rent, a sum of about 28*l.*, and that he had lost his house, which cost him 100*l.*' I made enquiries in the next village, and I am persuaded that this tale is in substance true, that this eviction really occurred, and that no compensation was given to the tenant for this absolute loss of, perhaps, his whole property. It is but fair to say that the present landlord had nothing to do with this business; but conceive what must have been the feelings of that ruined peasant as, driven from his home, he thought over this shameful injustice! A distinguished Minister has lately branded such acts with a remarkable epithet, and has asked, What is to be said of those who commit them? Lord Clarendon must excuse me for saying that, whatever may be thought of this matter, this spoliation was in no sense 'felonious.' Law enabled that landlord to evict that tenant; law armed the sheriff with the writ of execution; law possibly was found to send the police to assist at that scene of righteous justice; law warranted that equitable confiscation; law looked on while that broken man was expatriated after a sanctioned robbery. It is putting the question on a wrong issue to lay the blame on any individual person; it is the law, in this instance, that connived at 'felony.'* And if

* The Civil Law, indeed, gave redress and characterized such acts as frauds. And yet it has been said seriously that such a case was impossible!

this may be occasionally its working, can we feel astonished that it has no hold on those who may be sufferers from it, or that they transfer their allegiance to another law which thwarts the operation of its antagonist? Condemn agrarianism by all means; pursue with whatever rigour you can those who commit or abet its crimes; if possible, extirpate the disease; but recollect that it has a vital force as long as a conviction exists that the laws relating to land are unjust, and that it is sustained by a real principle, in whatever degree it may be ascribed to vindictive passion or extravagant hope, or however it may in its excesses run into atrocious violence and outrage. At least purge the law of injustice before you denounce all those who have no reverence for it, and do not imagine that the widespread feeling which unhappily exists against the law can be confounded with mere criminal licence. He is a bad physician who only skins and films over the ulcerous part, and a social enquirer is not worthy of the name who, while he has no excuses for crime, fails to indicate the causes of the sentiments which create too much sympathy with it.

The practice of sanctioning the sale of the goodwill of farms does not prevail in this county, as I have observed to be sometimes the case in districts where there is considerable distrust between the owners and occupiers of the soil. Large tracts, however, have been enclosed and brought into their present state by the unaided industry of the peasantry, and their equitable claims in this respect are more than ordinarily great and undoubted. I have seen whole estates on which everything that has been done for the land for ages has been evidently done by the tenantry alone, yet from which they, being tenants-at-will, may be extruded at a six months' notice without receiving the smallest equivalent. It is really melancholy—for it shows how habit may deaden the sense of justice—to hear the apologies that are made by many upright men of

the landlord class for this most unfortunate condition of things. It is urged, in the first place, that the tenants are actually compensated, because their rents are exceedingly low during all the time they are bringing the land into cultivation, as if rents reserved on tenancies-at-will had not necessarily a tendency to rise to the highest point that such land could bear, or as if this excuse applied to the case of whole masses of tenants' improvements. It is said, in the next place, that when land has been reclaimed and put in order, when a tenant has built a house on it, and, in a word, has converted it into a farm, a certain duration of occupation is in itself a sufficient recompense; and, no doubt, this argument is well-founded, under certain conditions of rent and tenure. But have these apologists ever considered the length of occupation, at an unchanged rent, that would be necessary to repay the Irish peasant in numberless instances for his additions to the soil, or do they reflect in how many cases his occupation has been cut short, and he has been left without any return? Are they aware what, upon this point, is the testimony of an agent of great experience in the management of estates in England and Ireland, with reference to the compensating periods of occupation required for different improvements? 'I think,' said Mr. Curling to a Parliamentary Committee, 'that thirty-one years would be a quite sufficient duration of lease for the reclaiming of lowlands; but I recommended to Lord Devon that leases of sixty years should be granted to tenants of mountain land. . . . . I consider that if a tenant, with the full sanction and approval of his landlord, has erected such a house' (i.e., a house suitable to a farm as described) 'at his own sole cost, he is at least entitled to a lease for ninety-nine years, such as would, without hesitation, be granted on a building lease in town.' In how many cases, I should like to know, have such compensating periods been even thought of in

the case of ordinary tenancies-at-will, without such an increase of rent as would practically nullify all compensation? Is it not plain, when the Legislature finds such a state of things unhappily existing, that the law must be made to speak in the words addressed by Turgot, alas! too late, to a class that would not acknowledge their truth?—'The King will not allow one part of his subjects to be sacrificed to the possible avidity of another.'

The agrarian spirit prevails in this county with great intensity in many places, though there has been no agrarian crime for some years. It would be, however, as idle to infer from this that agrarianism did not exist as it would be to argue that a powder magazine must necessarily be in a state of explosion. The true test of the force of the agrarian spirit is the dissatisfaction which is its symptom, the feelings it spreads throughout the community, and, taking this test, it seemed to me to be very active in this district. I heard numerous complaints of landlord oppression, wild boasts that the time was at hand at last when the tenant farmers would have their own, and demands for fixity of tenure as the means of existence. And, whatever may be thought about agrarianism, unquestionably Fenianism was and is in no contemptible strength in this county. A personage of the highest official authority told me that even now it was not easy to estimate the depth of this movement, or to calculate the extent of its influence.' It is interesting to compare these two forms of discontent, which, though akin to each other, are, nevertheless, distinct, and of which it may be truly said,—

Facies non una sororum,
Nec diversa tamen.

Fenianism, as an agent of disturbance, was chiefly supported in the towns, was hatched and nurtured in the Far West, and had for its object open insurrection. Agrarianism, on the other hand, is rather a local law of opinion,

originating with and confined to the peasantry, not necessarily showing itself in crime, but not shrinking from crime to compass its ends, and having as its paramount object the retaining the tenant farmer in possession of his holding under certain conditions. But both may be traced to the same source, a deep sense in the hearts of thousands of Irishmen that the laws under which they live are unjust in many particulars to large classes, the sense being of course quickened by passion, by evil memories and traditions, by ignorance, by the contagion of sympathy, by bad counsels, by the temptations of poverty. In this county, as in other parts of Ireland, the farmers stood aloof from the Fenians because not generally associated with them, and because they felt that the cause was hopeless; but it is not the less true that they sympathized with them, and it is difficult to say what the result might have been had even a transient success been obtained. It is not improbable that in that event the Fenian and agrarian elements of disorder would have blended together, and taken the form of a wild rising against the upper landed classes.

Lord Spencer has been paying a visit to this place, and I am happy to say has been received with enthusiasm by the great mass of the citizens. I had several opportunities of observing this, and can only express a hope that the generous policy now being steadily carried out in Ireland, and of which he is the living representative, may reach the depths of the national heart. Two classes, however, held aloof, exemplifying the truth of the old Greek's remark that party levels all distinctions of rank. The Fenians refused to cheer His Excellency; the Conservative gentry almost to a man declined to show a token of respect. This last phenomenon has been usual in Ireland whenever a bold attempt has been made to do justice to the body of the people; and it may be considered as

almost prophetic. The Irish Tories of 1822 did all they could to vex Lord Wellesley; the Irish Tories of 1829 shunned Sir Robert Peel as a second Judas; the Irish Tories of 1868 have not ceased to vituperate Mr. Gladstone. Yet 1822 saw the first blow struck at the edifice of Protestant ascendency; 1829 was the era of emancipation; 1868 was the prelude to the fall of the Irish Church Establishment; and in this secession of the Tories of Cork we may see the signs of a coming Land Bill. Still, in this instance, an influence existed that ought to have softened territorial rudeness, though chivalry probably has never been strong among a class described as a 'Puritan squirearchy' by the present chief of the Conservative party. Even in its decay the aristocracy of France could thrill with rapture at the stately presence and princely charm of Marie Antoinette. What calls itself the aristocracy of Cork could feel no enthusiasm for Lady Spencer.

CHAPTER XVIII.

Skibbereen, October 15.

BEING desirous of seeing a part of this county that unhappily acquired a sad celebrity during the events of 1846–7, and that, I felt assured, would in some particulars illustrate the Land Question of Ireland, I resolved to pay a visit to this place, and to examine carefully the surrounding neighbourhood. Leaving Cork by railway, I passed rapidly from the civilized outskirts of the wealthy city into a region of hill and poor upland, divided by numerous sluggish streams, which, if properly drained, ought to be the conductors of plenty along the adjoining valleys, but which, uncontrolled by the art of the engineer, at present, on either side of their course, mark their way by forming worthless morasses. It is disheartening to traverse districts like these, and to reflect what co-operation and industry might effect in clothing them with fertility; nor in many of these instances would it be necessary to pray in aid the help of the State; for wherever an outfall is easy and at hand a comprehensive system of arterial drainage is not required to carry off the waters and to relieve the soil from superfluous moisture. I saw, however, no attempts at draining; and on asking the reason received for answer the pertinent and sufficient remark that most of the landlords in that neighbourhood did not care to improve their estates, and that the tenantry, having no hold on their lands, were satisfied to leave them in their natural condition. This state of things is too often found in a form more or less offensive in Ireland; and it can be hardly doubted that the Legislature will interfere

to put an end to the ruinous mortmain occasioned either by the indifference of one class, or by what amounts to a positive discouragement as regards the other, in most instances, to do anything in the way of energetic or liberal expenditure. After leaving Bandon—still known in Munster as the Protestant Derry of the South, but long ago invaded and filled by the flood of the Roman Catholic Irishry—the landscape wears a more pleasing appearance; you pass trim farms, and a few fine seats; and you reach the valley of fertile lowlands enriched by the gentle stream of the Bandon. A tract, presenting in a peculiar degree the signs of industry and high cultivation, here at once attracts an observer's eye; and you see with delight well-squared fields, neat slated houses, and prosperous holdings, stand out conspicuously on the face of the landscape. This is a part, and one of the best parts, of the magnificent estates of the Duke of Devonshire; and the whole country side tells the same tale of his just and princely qualities as a landlord, although unfortunately he is an absentee. It is impossible to deny, great and serious as are the mischiefs of non-resident ownership, that properties of this class are those in which, in many instances, the Irish tenant receives most liberal and fair treatment, and good management is most evident; nor is it difficult to discover the reason. A territorial magnate, as a general rule, is too wealthy or too gently nurtured to be of a harsh or exacting disposition; and as, in a large majority of cases, the great absentee proprietors of Ireland have also considerable estates in England, they naturally adopt an uniform course of honourable and right-minded dealing towards their tenantry in both countries.

The projected railway from Cork to Skibbereen comes suddenly to an end at Dunmanway, and you are obliged to drive the rest of the journey. At this point you begin to enter the region of the western highlands of Cork, and

the look of the country is wild and peculiar. The road now winds through heather-crowned hills, their slopes dotted with the little homes and field plots of a humble peasantry, or it opens on to extensive tracts, that here and there rise into jutting eminences, or sink into frequent narrow flats, watered by petty rills in endless succession. On the bare summits of the ranges of hillocks the rock crops out in numberless spots, and has a withered and uncouth aspect; but down their sides, and in the spaces between, the soil, blessed by the gentle airs and soft voices of this Southern clime, is bright with a vesture of the richest green; and the lowlands beneath, in many places, are evidently of admirable natural fertility. The traces of human industry, however, are but seldom apparent upon the landscape; the habitations of the occupiers of the soil are few in number and almost always mean; whole breadths of country remain unenclosed and untouched by the hand of man; over thousands of acres brushwood and gorse encroach on what ought to be fine grass land; and, above all, the lines of the numerous streams that, on a considerable margin along either bank, could easily be changed into meadows and pastures, are usually spongy and lonely marshes. The general character of the scene is that of dreary and not pleasing solitude; and what adds to its melancholy features is that occasionally you meet desert spaces, on which, amidst blotches of rank vegetation, you still see the marks of ruined dwellings, and on which you hear that a dense population had once been crowded in spreading villages. Now and then, however, you light upon a spot where, amid the desolation usual around, you see distinctly the signs of improvement, where fences divide reclaimed fields, where sheets of verdure are free from stones, where the sour moor has been made fertile, where the slated farmstead rises from a neat garden, where everything has the inter-

esting look of enterprise and successful industry. My conductor, to a casual question, said, '*Those are farmers who hold by lease; wherever there is a lease you can easily see it*'; and I can assert that his observation was verified by my own enquiry, and that in the rare instances where along this way you found an occupier in possession of a lease, you saw the evidences of better cultivation. The consequences of this security of tenure were especially conspicuous in the case of one small tract on the roadside, marked off from those immediately around by the neatness of the dwellings upon it, and by the comparative excellence of the agriculture. This is part of the estate of Mr. M'Carthy Downing, now M.P. for the county of Cork, a gentleman who, having risen to eminence and made a considerable fortune as a lawyer, purchased largely in the Landed Estates Court, gave almost all his tenants leases, and deservedly enjoys the reputation of being a judicious and liberal landlord.

After a long drive through scenery of this kind you reach the little town of Skibbereen, lying along the banks of the winding Ilen. This theatre of the darkest tragedy that the famine of 1846 witnessed now shows few traces of the awful past; it seems a tolerably thriving place, though not in a special way progressive. It is the only town of any size in the neighbourhood, and, as I understand, is a pretty good market; but, except that it has a rather fine convent and a market-place of respectable extent, its public buildings are without interest. The country around for many miles, though not picturesque upon the whole, is nevertheless extremely suggestive to a student of the Irish Land Question. Towards the sea it rises in many spots into irregular chains of craggy hills that seem to fence out the near Atlantic, and that show like masses of stony billows, prolonged in a continuous roll, as you look over the lines of their crests; but here and there it

spreads into valleys or settles down into flat lowlands, in which vegetation expands richly, and streams speed on their way to the ocean. On the landward side it is of the kind which I have already endeavoured to describe—expanses broken by rugged hillocks, and stretching drearily to the horizon, yet, all through, divided by fertile spaces, and channeled by waters that run slowly through morasses they ought to render fruitful. Throughout the whole region the higher lands seem to break out into deserts of rocks; and these peep out in numberless places even in the most fertile spots beneath; so that agriculture on a large scale would be extremely difficult upon such areas, and wherever they happened to be cleared and reclaimed the work of improvement would be distinctly apparent. In the intervals between the barren tracts, and wherever the soil is kindly and rich, you see occasionally little farms and homesteads, and now and then a considerable dwelling rises from the midst of an extensive enclosure. The signs of husbandry are, however, few; the lands under corn are very small; and the face of the country is generally that of rudeness, as yet unsubdued by man, and yet capable of very great improvement. The whole region, with its stony breadths, yet its frequent nooks of admirable fertility, seemed to me exactly of such a kind as would repel the capitalist farmer, yet singularly adapted to be the domain of a hardworking and vigorous peasantry, who, secure in their possession of the soil, would be able gradually to call out its resources.

Unfortunately, however, the occupiers of this tract, at the time of the crisis of 1846, had been for ages a poor, struggling race, who, under the domination of landlords rather more improvident or harsh, as a body, than usually had then been the case in Ireland, merely vegetated on the land as tenants-at-will, and, without encouragement to their industry, eked out a bare and precarious exis-

tence. The space suitable for the production of corn being scanty on these unenclosed wilds, they were confined to the potato alone for food; and, under the stimulus of that treacherous root, they increased on the soil in prolific swarms, their numbers being further augmented through the facilities afforded along the coast for fishing. An immense population had thus grown up; and in those days, I am told, their dwellings were soon aggregated in rude hamlets on most of the spots that could be called fruitful, their ill-trained labour, nevertheless, in spite of every disadvantageous circumstance, carrying slowly forward a kind of improvement over the rough and stony wildernesses around. The potato blight came; and in a few weeks these wretched multitudes, lifted up from the soil which had denied them their poor subsistence, flocked into the few towns in the neighbourhood, and, huddled into masses of starvation, appealed hopelessly to charity for succour. Skibbereen was the centre of these terrible scenes; and there, for the space of several months, went on the battle of contending against famine, hosts of victims falling in the deadly struggle, yet thousands, too, being gloriously saved through the exertions of world-wide munificence. It is not in my intention to describe how, in numberless instances, death closed its vulture wing over perishing sufferers; how fever accelerated the onset of starvation, and fell alike upon high and low; how, day after day, lean and hideous corpses were shot from carts into graveyard heaps; with what mute despair the surviving crowds of misery beheld their numbers dwindle, and received each time, as though it were the last, the dole that scarcely prolonged existence; how, as ever has been in these dire emergencies, human nature, breaking from the restraints of custom, displayed itself in its genuine character, and heroic virtue, pious resignation, self-devotion of the most touching kind, were seen con-

spicuously with inhuman selfishness, remorseless cruelty, and reckless outrage. *Taceamus de istis, ne augeamus dolorem.* Save for a broad open space in an adjoining graveyard, the unnamed catacomb of the famished dead, the kindly touch of Time has effaced most of the signs of that dire calamity, and we should dwell on it only for the reflections it must suggest to a social enquirer. Yet, to give an idea of the havoc accomplished by that fearful disaster, I may mention that more than one village in this neighbourhood has completely disappeared, blotted out even from official records; and I write with a return before me which shows that the population of three townlands, which amounted in 1841 to 711 souls, had fallen in 1861 to 156, a reduction I suppose it would be hard to parallel.

Under the stress of the events of 1846-7, the land system of this neighbourhood may be said to have almost gone to pieces, and society itself was near dissolution. During the awful trial, the landlords, as a class, behaved as ordinary men would do: some betrayed indifference to the misery around them, absorbed in thought about their own troubles; a few, terror-stricken at the results of a redundant population neglected and depressed, availed themselves recklessly of the occasion, and swept away the lingering occupiers of their estates; some, in a nobler and wiser spirit, acknowledged that a visitation of Providence imposed on them a weighty obligation, and made large sacrifices to assist the peasantry. Among these last I have much pleasure in mentioning the name of Mr. Townsend, now Judge of the Admiralty Court of Ireland; I have heard from the lips of many witnesses of his humanity during the years of the famine, and far and near he has the reputation of being one of the most beneficent of landlords. I am truly happy to be able to report that kindliness and justice have been rewarded in

a conspicuous manner around Skibbereen; with rare exceptions, the 'cleared' estates, thrown into large farms ill suited to the district, or occupied by strangers ignorant of its requirements, have not prospered and yield low rents; those on which the peasantry have been protected are evidently in a better condition, even under an unfavourable system of tenure. As might have been expected, the shock given to society in this neighbourhood by the famine was not without clearly marked effects; a great deal of landed property changed hands, and the general result has been that the management of estates in this district displays differences of a most singular kind, within short distances. The majority of the proprietors, I regret to say, have gone on in the old ways, and, either forgetful of what occurred or satisfied that the population stands now at a point at which it cannot become a burden, have not done much to improve their estates, and have suffered the occupiers of them to remain in the helpless position of tenants-at-will, in some instances much too highly rented. The consequence is that these estates, compared with others in happier circumstances, seem smitten, as it were, with barrenness and neglect; the peasantry on them do only as much as will enable them to live and pay rent, and signs of that daring industry which requires time for a return with profit are wanting. In these instances the dwellings are usually wretched. Few attempts have been made to clear away the stones that encumber even the rich lowlands; hardly a drain furrows the marshy swamps; and though the landlords say very truly that they are satisfied with their well-paid rents, the resources of the land are not half developed. The situation of a few other estates is wholly and conspicuously different. Taught by experience, or from some other cause, a rather larger number of the landlords in this district than would be

considered elsewhere an average—the principal proprietor near Skibbereen, the representative of the family of Castle Townsend, giving a very honourable and striking example—have within the period of the last twenty years granted liberal leases to many of their tenants; and the difference between holdings of this class and those occupied as tenancies-at-will is really surprising to an eye-witness. On these estates you behold the march of improvement going steadily on; the square of green emerges from the stony slope, enclosed and rich with exuberant herbage; the clouds drop fatness on what was a swamp, destroyed formerly by their abundant showers; the slated dwelling rises along the hill; a picture of rural comfort and ease dots the face of the generally melancholy landscape. The peculiar character of the lands of the district, requiring intense exertions to reclaim, but often singularly rich when reclaimed, makes the contrast in the highest degree remarkable.

In his evidence before a Parliamentary Committee Mr. M'Carthy Downing pertinently remarked that in his neighbourhood you could see at a glance where a lease did and did not exist. My observation verifies his statement; and though the effects of security of tenure are visible in almost every part of Ireland, I never saw them so clearly revealed as in some instances in this district. These facts point to a variety of conclusions relating to the Land Question of Ireland. Taken as a body, the peasantry about here are not apparently an energetic race; you would not call them assiduous in improving, although with exceedingly rare exceptions they alone have done anything for the land, and a careless observer beholding the hovels, the dirt, the slovenliness but too common, would pronounce them worthless, idle, incorrigible. Yet look at the very same people in the little holdings on which they have been securely settled, and though some

of their habits have not disappeared, though they are not so cleanly and independent as you could wish, and they have too much of the aspect of the serf, still you would call them decidedly industrious, and really successful in their exertions to change and adorn the rough work of Nature. This difference, palpable and distinct, is due to their having certainty of possession; the consciousness that they toil for themselves, not for others, speeds them on cheerfully in their labours; in their case, as has been truly said, the sense of property may turn sand and rock into gold. Granted that this population of Southern Munster are not so hardy and vigorous a breed as that which springs from a Teutonic stem; and granted, further, that you cannot expect to lift them suddenly up in the social scale by any device of legislation; yet, when you perceive the obvious effects upon their nature and industrial life of precarious and determinate occupation, of labour exposed to ruinous interference and of labour given free scope and safety, do not doubt that it is rather their misfortune than their fault that so many of them are unprogressive and listless, and do not suppose that they, too, cannot advance under the known conditions required for the advance of humanity. Above all, let us cease to condemn men as lazy, good for nothing, and reckless who in a great majority of instances are in a position sure to call out and develop these and kindred vices; and let us not listen to the wretched plea, put forward by ignorance or interested prejudice, that, after all, as they have been disturbed but seldom during the last few years, they are practically safe as tenants-at-will, and they have themselves to thank if they do not prosper. Recollecting the events which succeeded the famine, and the wholesale evictions which then occurred, such excuses are really worse than foolish, and even at best they are little more than trifling. All experience has shown that certainty of

possession is a necessary condition of the wellbeing of an occupier, and to imagine that he must thrive without it, unless for some shortcoming of his own, is to imitate the example of the besotted tyrant who charged the most energetic of races with idleness because he refused them the very requirements essential to make their labour productive.

It is in the case of districts like these that you are tempted to think that 'fixity of tenure' at rents to be regulated by the State might really be a fair experiment. You see whole tracts on which the proprietors have literally never laid out one shilling, as to which they have merely been a burden, from which they have contrived to raise rents in some instances high and oppressive. On these you see a race of occupiers who alone have done anything for the land, who have the capacity of doing a great deal more, yet whose energies are numbed and whose lands are kept barren because the circumstances of their tenure are usually incompatible with improvement. And in striking contrast you see the results of certainty of possession in the case of a few spots stamped on the face of nature, where, under liberal leases and rents fixed for a term, there is a distinct progress in the social scale. In this state of things you ask yourself, 'If landlords choose to be mere rent-receivers, ought the Legislature to view them in any other light, especially since the leaving them their existing powers of keeping their tenantry in mere dependence, of arbitrary eviction, and of raising rents is obviously injurious to the general welfare? And if the mere securing the occupier in his holding for a limited time has such good effects, what by analogy would be the consequences of conceding him perpetuity of tenure? And, as even perpetuity of tenure might be rendered worthless if it were possible to destroy the occupier's interest by rack-renting, must not the State, if the conces-

sion be intended to be of real use, determine rent by a valuation, and settle a *maximum* rate of it?' It follows, therefore, in the interest of the country, that, in the language of Mr. Mill, 'the whole land of Ireland should be made the property of the tenants, subject to the rents now really paid (not the nominal rents), at a fixed rent-charge.'

It would be idle to deny that theories like these are not only applicable in a dangerous degree to certain districts of this country, but contain a positive amount of truth. I shall examine the question more fully hereafter, when I review generally the land system of Ireland, but I may now observe that it is only by considering the subject from one side and in rather a contracted way, by departing from principles as yet respected, and above all by keeping out of sight the probable results of the proposed measure, that arguments of this kind appear convincing. Grant that a law of 'fixity of tenure' and 'State rent' would be politic in the case of some estates in Ireland, would it not be impolitic in the case of other estates much more numerous? And if such a law in many instances—say those of very small tenants-at-will—could, according to some notions respecting property, be reconciled with our sense of right, would it not be monstrous in the instance of capitalist farmers, no matter what the nature of their tenure, of whom many thousands exist in Ireland? Is it not obvious that a law of the kind, from its very nature a general rule, would be in its essence an indefensible wrong? Moreover, if, as may be fairly argued, the object of the intended change—legitimate security for the Irish tenant—can be attained by any other process, more equitable in its application and working, and less subversive of existing rights, ought we not to adopt the less violent remedy, and prefer reform to mere revolution? And what, probably, would be the consequences of con-

verting the occupiers of the soil in Ireland into owners at a quit-rent fixed by the Government? Passing by the minor evils that would follow in numberless instances the expropriation of all the landlords of a generation, would not two mischiefs of a general kind, inherent to the scheme, and widely pernicious, ensue almost as a natural result? Would not the periodical re-valuation of the 'State rent,' a part usually of these plans, inevitably tend to discourage improvement, since it would make it the interest of every holder of land to have it in as bad a state as possible at certain recurring intervals of time, in all probability near each other? And, without disparaging Irish nature, but taking it simply as it is, would not perpetuity of tenure, as far as we can see, lead ultimately to much subdivision and the creation of numerous impoverished occupiers?

It is, however, a very different question whether the state of things that exists in a district like this ought to be suffered to continue as it is; whether the occupiers of the soil ought not to be placed under conditions of tenure so reasonably secure as to protect claims they actually have, and to encourage their industry for the future; whether the laws that regulate their relations with their superiors ought not to be so modified as to promote, and not to retard, improvement. Without indicating here the specific means by which I trust these ends might be attained, within the measure of the reformer's power, I shall merely observe that I am convinced they can be reached without having recourse to expedients essentially unfair and unsound, by keeping strictly within the line of justice, by making our legislation in this matter at once respect the true rights of property and yet boldly follow enlightened principles.

CHAPTER XIX.

Killarney, October 23.

A THICK Scotch mist hung over the country, and shut out the landscape in its clammy folds, while I was making my way from Skibbereen, on the first stage of my journey to this place. I did not care about the obscuring influence so long as I was driving over the tracts described in my last letter; but I was sorry that the face of Nature was hidden as I approached the coast-line, where, near Bantry, the sea runs into its land-locked bay, surrounded by overhanging mountains. I caught only a few glimpses of a dark breadth of water below the drift, and of a shadowy range in the near distance, and I missed a view of what I believe is a fine scene of the Cork western highlands. When I had reached Glengariff, I am happy to say the mist-wreaths yielded to the noonday sun, and, as they rolled away before his increasing light, the exquisite outlines of that beautiful spot, the portal of the hill country of Kerry, were suddenly revealed in their fairest aspect. You now go through a series of glens, where streams brawl down fantastic rocks through woods opening into deep green dells, and where the eye dwells with delight and wonder on a vegetation almost of tropical growth, until, as you ascend the road which leads to the summit of the mountain range that divides the counties of Cork and Kerry, you pass into scenery that combines rare loveliness with more sublime features. Far on either side of the winding way lines of cliffs rise, and, approaching each other, trend gradually down to the distant sea, while between spreads a delicious valley, thick with wood, and rich with exuberant green; and the

heather-crowned hills, the diamond threads of the rills that run sparkling down their sides, the luxuriant foliage that clothes their base, the waters enclosed within their giant arms, and the depths of the fruitful lowlands beneath, form a scene that does not soon fade from the memory. A long descent from the top of the range leads you into the little town of Kenmare, a singularly neat and well-built village, part of the adjoining property of Lord Lansdowne, which, like an oasis in the highland desert, gives the flagging traveller a cheery welcome. After leaving Kenmare you again rise for several miles along a tract of uplands, not, however, of an interesting kind, when all at once a turn of the road opens to the sight, stretching far onward, the enchanting region of mountain and lake, known in many lands by the name of Killarney. The abysses of the Gap of Dunloe were dark as I passed them, far to the left, on my way; but the declining sun robed the Purple Mountain in hues of blended amethyst and gold; and his last rays disclosed dimly the mysteries of tufted islet and peak, of murky water and shadowy vale, that give the Upper Lake its peculiar charm. All, however, had become impenetrable gloom before I had reached the lovely scene where wood and water, as it were, glide in long succession from the slopes of Torc, and unite with the grassy shores of Muckross.

My subject is the Land Question of Ireland, yet I turn for a moment from the unpleasing task of probing the social ills of this country to pay homage to the majesty and grace in which Nature appears in this region. There are scenes in these kingdoms in which mountains soar in bolder and more ample proportions, in which beauties appear in longer succession, in which the expanse of the meres is grander, or curves into not less fair outlines. But for its combination within a narrow space of noble hill and sylvan recess, of precipitous rock and delightful

glade, of luxuriant foliage and romantic lake, the whole blending in a subtle loveliness that touches the sense with magic power, Killarney is without a rival in Great Britain. A lofty range, extending to the west from the high dome of Mangerton to the jags of Carrantuohill, and rising into a superb series, overlooks and shelters a chain of lakes, running here into long reaches and fiords, spreading out there into irregular breadths, and dotted all over with leafy islets, or broken by wooded capes and promontories. The tops of the hills are bare and stark, but the purple heather trails down their sides until it yields to forest masses that muffle their feet in glorious green, while below, where the waters meet the lengths of shore, all is a bowery wilderness of tree and shrub, rich with dyes of a lustre elsewhere unknown, and at points divided by streams and waterfalls that vary the scene with rare beauty. In these labyrinths of verdure, the holly and arbutus tower high and glow with peculiar brightness; the ferns break out in strange magnificence; the myrtle spreads thickly its delicate plants; and cold is the fancy that is not stirred as, seeking a point to comprehend the view, you see burnished mountain and mysterious dell, fair space of water and tree-fringed rock, long lines of wood and projecting crags, stand out in gushes of the mellow sunshine, like that paradise of the Islands of the West, the fabulous dream of old Greek poetry. Nor is the place without those touching legends that possess the imagination of the Celt, and that harmonize strangely with Irish scenery. The white horse of the Chieftain of the Glens flits at times over the levels of the lakes; the awful form of M'Carthy More still wanders over his ancient domain; the long-banished monastics are seen in the moonlight among the shattered cloisters of Muckross; the vesper-bell and the choral hymn now and then sound mournfully across the waters from the grass-grown ruins of Innisfallen.

I have now reached what, in a special manner, is the seat of the aboriginal race that at one time held the whole of this island. 'The Kingdom of Kerry,' as it was once called, is a long and irregular strip of land that, faced by the sea and high ranges of hills, forms the western verge of the province of Munster. Except at two or three favoured spots, formed by the valleys of its short rivers, its soil is of an inferior kind, and, speaking generally, it is a wild mountain tract, divided occasionally by rather poor uplands, indented by deep estuaries and bays, and swept by the storms and rains of the Atlantic. At an early period a few Norman settlers established themselves in this highland region, and it was invaded afterwards by Elizabethan colonists, and, to a certain extent, by Cromwellian soldiers, who, however, it is said, expressed their disgust at 'the heritage the Lord had given them by lot,' and some of whom made over their worthless portions to the sagacious author of the 'Down Survey,' the modern 'Doomsday Book of Ireland,' Sir William Petty, ancestor of Lord Lansdowne. These foreign elements appear, however, to have never had an overwhelming influence; and, scattered among their hilly fastnesses, in a few instances under the descendants of ancient chieftains piously revered, in others under more recent masters, the children of the soil for ages lived in the rude simplicity of Celtic society. In this secluded and remote district something like the clan system seems to have lingered down to the middle of the last century; and to this day the people of Kerry are, perhaps, more clannish in their ideas, more like what we should conceive as a tribe, than those of most other parts of Ireland. In this way society in Kerry escaped comparatively free from the terrible convulsions which, in the age of confiscation and conquest, broke up its mould in so many other countries; and its peasantry multiplied upon the soil, half serfs indeed, but not oppressed serfs, and sufficiently

contented with superiors, as a class, rather more than ordinarily easy or thoughtless, almost to the beginning of this generation. The famine, indeed, of 1846 seems to have been probably the rudest shock ever suffered by this community as a whole; yet, though the changes which then occurred were immense and lasting in their effects, it still retains in a great degree its peculiar and characteristic features. The people of Kerry are a thoroughly Celtic race; and, though a variety of influences has injured in some measure their finer nature, they show all the marks of the Celtic character. They are shrewd, quick-witted, fanciful, sensitive, affectionate if you touch their sympathies, prone to submission, and to respect those connected with them by ancient tradition. On the other hand, they are jealous and irritable, tenacious of custom, and unprogressive, and, above all, impressionable and fiery, rather than persevering, steady, or courageous. Such a race will always be more interesting than remarkable for its useful qualities.

The general social condition of Kerry is not without some interesting features. Kerry is, for the most part, a pastoral county, a nursery of the breeds of small active kine, which, reared on the light uplands and hills, are sent afterwards to fatten in richer lands. There is, however, a good deal of agriculture, though no large agricultural tracts are found, and some very fine pastures extend along the banks of the Maine and the Feale, and in the immediate neighbourhood of Tralee. The peasantry on the whole are reasonably well off, decidedly in a better state than those on the poor corn lands of Cork—one probable reason being that of late the trade of the cattle-dealer has been more lucrative than that of the tillage farmer. The wages of the labouring class are at the same average here as elsewhere in Munster—that is, from about 6*s.* to 9*s.* a week; and though, except on a few well-known estates, the

dwellings of the labourers are usually bad, their inhabitants seem fairly clad and fed, and some possess little bits of land, and privileges of grazing in the mountain districts. The rent of land varies from about 50*s.* the Irish acre on the best pastures, to about 8*s.* or 10*s.* on the inferior soils; and here, as elsewhere, I have found the distinction that the fine grass lands are usually let low, and the thin corn land is rather highly rented. Rent, however, varies in this county in a remarkable way on different estates, taking areas of equal natural value, and it is not easy to form an estimate of it, for whole tracts are let in bulk sums in the gross, and in numerous instances the rent of a farm includes a payment for rights of commonage. Though I certainly heard some complaints of rack rents, the general impression left on my mind was that there was a less tendency to exaction in Kerry than I found, unfortunately, in some parts of Cork, and that in this, as in other matters, there was an easier relation between landlord and tenant. Compared with the other divisions of Munster with which it may be most fitly compared, Kerry is decidedly a progressive county; and it deserves notice that this coincides with a reduction of population relatively small, and with a system of relatively small farms. During the vicissitudes of the last fifteen years the agricultural area of Kerry has actually extended—a most remarkable fact in Ireland—while that of Cork and Clare has diminished; and the advance of the value of live stock in Kerry has been greater than that of its more wealthy rivals. In Kerry, however, the decline of the population has been, as contrasted with Cork and Clare, as 50 to 107 and 92; and the holdings in Kerry under 50*l.* are much more numerous in proportion than those in the two other counties. Though I have not much confidence in statistics, these facts are not devoid of interest, and there certainly is a good deal of evidence which tends to show that, even in material prosperity, the improvement

of Ireland has not been greatest where emigration has been most active, and the consolidation of farms on the largest scale.

The land system of this county, considered as a whole, presents the characteristics of moral divisions, of gaps between classes, of tenant dependence and insecurity, and of want of legal protection for rights, admitted and sustained by forbearance only, to which I have so often referred. Viewed, however, even critically and in the abstract, it contains elements rather more happy than are usually found in other parts of Munster, and it is fortunate in some peculiar circumstances. In Kerry, Catholic proprietors retain a good deal of territorial influence, and this single fact, without throwing the least discredit on Protestant landlords, has a certain effect in mitigating the results of that infelicitous social phenomenon, religious distinctions in Ireland marking the line between the owner and occupier of the soil. Let any one sceptical on this point only visit Killarney and observe how the position and example of Lord Castlerosse, the representative of the House of Kenmare, not only affect his own estate, but operate in many ways to promote good feeling, sympathy, and kindly sentiment between the landed classes in the neighbourhood, afford countenance to the Catholic peasant, and even lessen his jealousy of what is called landlordism through the consciousness that, in one notable instance, the tie of a common faith binds him to a superior eminent in birth and station. In Kerry, moreover, as a general rule, estates are of considerable size; and, as I have often remarked, the Irish tenant, in most cases a mere dependent, unable to make an equal contract, fares usually better under large proprietors, naturally less disposed to be harsh or exacting, than under small men, whose breeding or whose needs render them more prone to severity or extortion. The large landlords of Kerry, too, are resident in a greater

number of instances than is often the case in the South-West of Ireland, and several among them have made themselves conspicuous in encouraging improvement, and in discharging faithfully the duties of property. The beautiful estate of Mr. Herbert, of Muckross, which, wherever you meet it, is known at a glance by the excellence of the farm buildings, the trim look of the fields and enclosures, and the neatness of the labourers' cottages, is a remarkable example of this tendency; and I have been informed that the sums borrowed by proprietors in Kerry under the Acts for the Improvement of Landed Property in Ireland exceed greatly the average proportion. On the whole, too, though with several exceptions, the relation of landlord and tenant in Kerry is more primitive and sustained by ancient custom, and less marked by selfishness or illwill than I have found to be the case in some other counties. Society here having been comparatively disturbed but little in the age of conquest, and the mere commercial spirit of dealing in land having not yet completely invaded this district, many estates in Kerry are still managed in something like a patriarchal way, rents continuing unchanged during a long series of years, and harsh changes of tenancy being unknown; and this system, falling in exactly with the traditional genius of the Celtic character, more or less diffuses good feeling and content. Nor is this manner of administering property incompatible with very great improvement, though it may render the process slow, and though it may require a good deal of tact, of patience, and of kindly dexterity to reconcile even to a change for the better a people wedded to its old habits and suspicious of the slightest interference.

This combination of circumstances makes the relation of landlord and tenant in Kerry more gracious, as a general rule, than I have perceived it to be in some other places.

It is not, however, to be supposed that it is wholly free from disunion and discord, and that it has not produced complaints of grievances. I have heard of more than one instance of severity exercised towards tenants-at-will—a result occasionally almost inevitable when the owner of the soil is legally absolute, and the occupier is a mere dependent; and I have been informed of one proprietor who, it is said, has in several cases quartered poor cottiers on a waste tract, given it when reclaimed to a large farmer, and transferred the pioneers to another waste without paying them any compensation—an expedient suggestive of old school days, when fags warmed the beds of their masters, and found it a very disagreeable duty. I am inclined to think, too, from much that I have heard, that the work of improvement which has been done in this county during the last twenty years has not been accomplished on some estates without resorting to a good deal of harshness, and without a rather vexatious discipline; and, though it is only just to make a large allowance for the difficulty of dealing with a peasantry not prone to change or to social advancement, it is possible that to a certain extent zeal for what a superior may have thought progress may have outrun the limits of true wisdom, and that annoyance at what is pronounced backwardness may have led to acts that savour of oppression. At least, I have been told that some 'clearances' occurred in Kerry after 1846 that ought not properly to have taken place. I believe that a system of regulations is in force on one or two properties that the tenantry, at all events, do not like; and in a few exceptional cases, perhaps, landlords here are disposed to treat their dependents in the spirit with which a civilized race sometimes views one rather rude and sluggish. I hardly venture to pronounce an opinion in a class of cases that has come under my notice, and that has been condemned loudly by some persons. In the

instance of two estates in this county the owners have, I understand, offered a number of leases to tenants-at-will at rents higher than were before payable, and, though many have acquiesced, the tenants have unquestionably shown some disinclination to accept these interests. The landlords, I believe, assert that the rents proposed are fair and reasonable, while the tenants declare that the advance is too great, and that the terms of the leases are too severe; nor is it improbable that both parties, thinking that the Land Bill of the next Session will apply to tenancies-at-will only, are desirous, the one of pressing forward, the other of, if possible, avoiding the consummation of the change of tenure that would be effected through these contracts. I shall merely observe that it is perhaps unfortunate that any proprietor at the present juncture should have adopted a course, quite right perhaps, yet at least open to misconstruction, and that, on the other hand, on the supposition that these leases are tolerably just, the tenantry would be exceedingly foolish if they hesitated to sign them in the vain hope of some impossible reform in Parliament.

Notwithstanding, however, these drawbacks, the relation of landlord and tenant in Kerry is not generally harsh in its actual working. Nevertheless, in theory it is characterized by that defect in the land system of Ireland which may be described as its worst mischief. With very large and honourable exceptions, the peasantry of Kerry have made Kerry what it is, have enclosed the country, in part reclaimed it, and covered it with dwellings made by themselves; and yet, save in comparatively few instances, they are mere tenants-at-will with an annual possession. Now, I freely admit that in many cases, especially those of very small holders, it may be inexpedient to grant leases, and even that, in certain circumstances, leases may be injurious to an estate by restricting the power of a good

landlord. I am aware, too, that in Kerry and elsewhere the occupiers of some properties, relying on ancient habit and the honour of their lords, may prefer tenancy-at-will matured by custom to a term marked out by definite contract, nor do I suppose that any system of leases would be a panacea to regenerate Ireland. But the state of things existing in Kerry and elsewhere, in which the occupiers of the soil have acquired rights in it, by expending on it the industry of years, yet are liable to be driven from it at a few months' notice; in which what are vast moral claims of property are not supported even by safe possession; in which titles to things in the peasant's mind especially sacred—the home he has made, the field he has enclosed, the boundary he has drawn—are exposed to destruction by the stroke of a pen; this extending over nine-tenths of a district is, in my judgment, not to be justified; and at this point all that can be said for the land system of Ireland breaks down in argument. Such a condition of tenure as I have often pointed out is not merely opposed to the progress of the country; it alarms and irritates a vast class in the nation, keeps it in a state of precarious uncertainty on the land on which it has no hold, and tempts it to have recourse to violent means to obtain the security denied it by law. It may be predicted that this anomaly, which, admissible as an exception, is fatal as a rule, will not be allowed to continue unchanged, though it is quite true that, from a variety of causes, the landlords of Ireland have not as a class abused the evil privileges afforded by it.

Nor let us suppose that there is no alternative between upholding this vicious system and yielding to that cry of fixity of tenure which is really an exaggerated protest against it. It is no doubt true that in this and some other counties the peasantry cherish obscure traditions of ancient tribal rights to the soil, and that just now they

are more or less excited by wild revolutionary projects. These ideas, however, in part engendered by melancholy recollections never forgotten, and in part by a conviction, perfectly just, that those who have done so much for the land have in truth and equity a charge upon it, would assuredly disappear if by any fair means they could obtain a reasonable certainty of possession. An amount of evidence, to my mind conclusive, proves that the Irish tenant, as a general rule, is quite satisfied with a just lease, proportioned in length to the requirements of his land and not hampered by difficult conditions—two points sometimes not borne enough in mind—and that he will make great sacrifices to obtain such an interest. Nor can it be disputed that, speaking generally, and overlooking exceptional cases, the tendency of leases in Ireland, as elsewhere, is, as compared with tenancy-at-will, to stimulate improvement and better cultivation; that, in short, in this as in other countries, security is a condition of progress, and, I will add, of social tranquillity. And that the Irish tenant is somehow incapable of estimating the value of a contract, provided it be a fair and just one, or that he prefers loose usage which may ruin him, to a rational engagement that would protect him, is a most mischievous and stupid delusion. This county affords a good illustration of a truth I consider self-evident. Sir James, the brother of Daniel O'Connell, may be credited with understanding the Irish peasant, and it might be imagined that he would manage the estate he possesses, not far from here, after the fashion rather of a Celtic chief than according to English notions of contract. Yet Sir James O'Connell in most cases gives his tenantry leases, and they are glad to get them; and it may be added that this very clear-headed man makes all permanent improvements on his lands himself—a remarkable instance of his perception of one great fact in the Land Question of Ireland.

Kerry is all but free from agrarian crime, and the agrarian spirit is not strong in it. This is partly because the relations between the landed classes in this county are on a better footing than in some other places, and partly because these pure Celts—excitable, but not resolute or stern—have not the faculty of combination, or uniting steadily with a common object. It is a most significant fact that, excepting Wexford, agrarianism in the South of Ireland has prevailed in the counties abounding in English blood; it is, in truth, alien to the genius of the aboriginal race. There is, however, a perceptible amount of querulous discontent in Kerry; and I am disposed to think that the memory of the famine, which disturbed society rudely in this county, and in some measure for the first time for years, has left considerable traces of bitterness. There was a short-lived Fenian rising in Kerry, but it subsided quickly, and came to nothing; and, though I fear the tenants felt too much of blind and aimless sympathy with it, Kerry is not deeply affected by the Fenian spirit. This may be ascribed in some degree to the efforts and example of Dr. Moriarty, the Roman Catholic Bishop of Kerry, who has been indefatigable in condemning all movements of a revolutionary kind, and all wild social theories and ideas. I have had the honour of more than one conversation with this eminent prelate, and I rejoice to know that his views on the Land Question are temperate and just. I wish the same remark could be made with regard to some of the young Roman Catholic clergy, who in too many instances are encouraging their flocks at this crisis in a vain agitation. Surely on every ground of duty and policy those who exercise a vast spiritual influence over a generous, interesting, but too credulous people ought not to hold out expectations to them which Parliament, I am convinced, will frustrate.

CHAPTER XX.

Clifden, Connemara, October 30.

As I have yet a great deal of Ireland to examine, and my time will not allow delay, I have hurried from Killarney to this place, a refuge among the wilds of Connaught. The scenery I have passed through in this long journey, though seldom beautiful or picturesque, is, nevertheless, not without interest to a student of the Irish Land Question. The train from Killarney runs along a district of light, half-enclosed uplands, beside the base of a high range of hills, until, leaving Mill Street, it approaches the green and fertile valley of the Blackwater, which it skirts until it reaches Mallow. From that little town it shoots into the region of magnificent pastures, enclosed within the triangle formed by Charleville, Limerick, and Tipperary, and which, left as it is to Nature, and needing everywhere drainage and fencing, is, notwithstanding, save some parts of Meath, the finest grass-field, perhaps, in Great Britain. My stay at Limerick was too brief to enable me to survey the place, but it seemed to me rather a declining town, and I snatched a moment to glance at scenes immortalized by the pen of Macaulay, and of mournful interest in Irish history. Leaving Limerick, I went through a bleak, treeless country, where occasionally bright oases of green, and here and there the abode of a gentleman, broke the dreariness of flats often strewn with stone, the landscape marking nearly the rare spots where industry had been applied to the soil. I halted a few hours only at Ennis, but drove through a considerable part of Clare, which

combines curiously fine tracts of pasturage and lowlands usually injured by moisture, with vast expanses, half grass, half rock, the whole capable of much improvement, yet generally lying in its native state, save where in places, as around Skibbereen, you see the little farms and homes of the peasantry. The scenery from Ennis to Athenry is of this character, but still more barren; and a long succession of poor uplands, now and then opening into wildernesses of stone, leads the traveller to the ancient town of Galway. The quaint old houses and narrow streets of 'the City of the Tribes' have been often described; but the municipal pomp of Galway has passed away; hardly a sail is seen in the noble bay that stretches to the near Atlantic; and the place has not a look of prosperity. From Galway the road to Oughterard goes through a rude country where irregular fields are edged by interminable walls of stone; and, having caught some glimpses of Lough Corrib, you find yourself in the melancholy wilds of mountain, tarn, and far-spreading moor, which form the territory of Connemara. Fresh from Killarney, I could not admire a landscape that, from the want of vegetation, has a singularly barren and dreary aspect; and of which the solitude seems now more sad, because the traces of ruined hamlets show that at one time it was more peopled than it is; and I was not sorry when the lights of Clifden began to glimmer across the waste.

The scenery I have just passed through, and, indeed, much of that I have seen, and briefly described in previous letters, suggests reflections of some interest to an enquirer into the social state of this country. It is a fact, that does not admit of dispute that the [illegible] of Ireland I have visited have, since the events of 1846, improved on the whole considerably; that their husbandry is [illegible] it once was, and that their wealth has largely increased;

nor can it be doubted that all the classes connected with the soil are much better off than they were. But there are evidences of a counter-current in this advancing tide of prosperity: for instance, nearly all the country towns I have seen are more or less flagging, and the agricultural area of the island is decreasing, great as has been the addition to its live stock. There is, moreover, some reason to think that this progress might have been more decided; and a good deal of proof has been adduced to show that from 1790 to 1830 the growth of opulence in Ireland was greater than from 1830 to the present time, the former being a period, too, of an increasing population and leasehold tenures, the latter a period of tenancies-at-will, and an extraordinary decline in the population. Without deciding these intricate questions, it may be affirmed with certainty that if the improvement of Ireland has been great during the last twenty years the margin for improvement is still enormous, considering the country as agricultural only, and without regard to any other industry. Take, for example, the very diversified tracts traversed on my way from Killarney to Clifden. No doubt, until the increase of capital shall have considerably added to the value of every corner and nook in these islands, it probably would hardly pay any one to attempt to reclaim some of the stony wilds and turf mosses of Clare and Galway. No doubt, too, there are places in these counties that probably will always continue waste, for, even in the most highly cultivated lands, Nature seems to insist on keeping to herself spots that defy the toil of the husbandman. But on my way I saw thousands of acres that might be won from barrenness to fertility; and, what I wish particularly to point out, these were often such as a large farmer would avoid or leave in their present state, but such as are peculiarly fitted to attract and to reward the labour of an energetic

and independent peasantry. Indeed, it was evident, from the lingering traces of cultivation at some spots, that such a population at one time had collected on several of those tracts; but they were fast going back into primitive wildness, the children of the soil having vanished from them. As for the noble grass lands I went through, luxuriant and profitable as they are, their value would be greatly enhanced by a proper system of thorough drainage; and I suppose they would have seemed barbarous to an agriculturist of Belgium or Holland.

Galway is a vast tract of mountain and plain, marked off into two great divisions by the water-line of Lough Mask and Lough Corrib. Its eastern part, extending to the Shannon, is a region of rather light lowlands, a pasture-field for flocks of innumerable sheep, or the tillage-grounds of the native peasantry, with some fine lands at occasional intervals; its western is a breadth of bleak moor and hill, eaten into by the stormy Atlantic. Like Kerry, this region is the land of the Celt, and, like Kerry too, the vicissitudes of fortune maintained it in a somewhat primitive state until the present century was considerably advanced. Its first feudal suzerains, the Norman De Burghs, degenerated into Irish chieftains; though in part colonized by Elizabethan settlers, it nearly escaped the Cromwellian tempest, and after that period it continued under the sway of a reckless and wild squirearchy, lords of a people of prolific half serfs, with but little change until the present generation. Society accordingly here, too, assumed something of a clannish form, and until the events of 1846 the relation of landlord and tenant in Galway was somewhat of a patriarchal character. The famine, however, and its effects made an immense revolution in this state of things; vast clearances and evictions occurred; a race of new proprietors was largely introduced; and the children of the soil often fared ill in

the struggle of life and its altered conditions. Yet the traditions of the past are still powerful; and, taken as a whole, the landed classes of Galway are less disunited than is the case in some other counties in Ireland. Galway, looking back at the last twenty years, is decidedly a progressive county; its live stock has enormously increased, and its agricultural area has but little diminished, this, as in the instance of some other districts, coinciding with a system of rather small farms, and with a decline of population small by comparison. There is not much that deserves notice in the social condition of the county; except, perhaps, that the aboriginal race seems to me inferior to that of Kerry, and that a large proportion of Galway landlords have of late done much in the way of improvement. As regards wages and the rate of rent, they do not require particular attention, but several of the lately acquired estates are, I am disposed to believe, very highly rented. One feature of 'landlordism' was not until lately of an agreeable aspect. A small clique of Galway landlords threw themselves into the proselytizing movement, which became strong here after the events of 1846, and are charged with having put unfair pressure on their tenants' children to adopt Protestantism. This pitiful attempt to reconcile the service of God and of Mammon failed, as every effort deserves to fail that sets the conscience of men against a creed; only a few silly dupes have for a long time had faith in the 'conversion of the West,' which, however, extracted large sums from England; and I have reason to believe that no Galway landlord supports it now by undue influence.

What I wish to consider in this letter are the circumstances of two or three estates in this and the neighbouring county of Clare, which throw a strong light on the Irish Land Question. In 1857 the vast property of the late Marquis of Thomond in Clare was sold in the

Incumbered Estates Court, and portions, having been broken into small lots, were purchased by the occupying tenantry. I examined one of these tracts and made enquiries about the rest, and the results are certainly not without interest. In some instances the tenant proprietors retain and till the land themselves, and in these prosperity is the general rule, and improvement is, for the most part, evident. But in other instances, from want of capital, or some other cause, the purchasers have sublet their holdings, and turned themselves into landlords, and here little progress is to be seen, and the sub-tenants feel themselves in the power of a class like the old grasping middleman. 'Where class No. 1 purchased,' writes to me an intelligent person, 'vast improvements are observable in the way of building, fencing, and, in some few instances, draining. In a word, they have applied a good deal of labour to the land, and are enjoying the fruits of their labour in the increased value of their holdings. . . . . Class No. 2, with few exceptions, had to take the stock from the land to sell it, in order to make up the purchase-money, and then let it to tenants, not at such rents as they themselves held it at, but in some cases at twice and thrice the rents. This class of new landlords has certainly done a vast deal of harm in the country: being themselves hungry for money, they squeeze as much out of their unfortunate tenants as possible. . . . . These lands, I am sorry to say, with an odd exception, are still unimproved, and are likely to remain so.'

In another instance, also in Clare, a small estate having escheated to the Crown, it became the duty of the law officers to provide for its management and administration. The tenantry were the ordinary Irish peasantry, holding areas of from three to forty-five acres; but they were tenants-at-will, at exorbitant rents; and, in the words of a gentleman who knows them well, 'what with

rents, taxes, rates, costs of evictions, drivers' and sheriffs' fees, they were harassed and distressed to the utmost.' The present Lord Chancellor of Ireland (then Attorney-General) directed that the rents should be reduced to a sum within the means of the tenants, and that leases for a term of thirty-one years, with ordinary husbandry covenants, should be made to them, and my informant, whose credit is beyond dispute, proceeds:—'The result now is that they are a solvent and respectable class of tenants. They are as independent with their small farms, and as well able to pay their rent and other liabilities, as any tenantry in Clare. They are every day adding to the fertility of their little farms by draining, fencing, subsoiling, and building. . . . . Although the present rent is much lower than the former, still the present landlord receives satisfactorily much more rent than any former landlord ever did, much of the former rent being spent in distraining, bailiffs' and sheriffs' fees, ejectments, and other legal expenses.'

In the instance of the Thomond estate we see a remarkable illustration of the advantage of a small proprietary under certain conditions, and of the dangers incident to such a creation. The tenant purchasers who cultivate their lands themselves have done well and improved their holdings, but a tendency to subdivision has become manifest, and in these cases there has been no progress, and a harsh class of middlemen has been one consequence. The instance of the estate leased by the Crown is another example of the extraordinary benefit conferred by giving security to a tenant, under a fair lease on reasonable conditions—two requirements, it is unnecessary to say, essential to make this kind of contract of any value to the occupier in Ireland, and not always sufficiently borne in mind. I turn now to an instance which shows the inherent mischiefs of absenteeism under certain conditions,

and the hardships resulting from the change to a commercial from a patriarchal system in the management of a single estate. A traveller from Oughterard to Clifden goes for miles through a vast lonely tract of bog, waste, and heathery mountain, enclosed only in a few places, and here and there revealing, at distant intervals, the green spots that mark a ruined village once the abode of a vanished population. This tract is only a part of what was the enormous domain of a family known well in the local annals of Galway, and conspicuous for its Highland hospitality, its recklessness, and yet its high-bred courtesy. The lords of this region were easy superiors, and preferred having a devoted tenantry to letting their rude wastes at the highest value; and gradually, even on these bleak hills and moors, a peasantry was aggregated in considerable numbers, whose rude toil made isolated spots fertile, and who led a not unhappy existence. The famine came, and this vast territory, incumbered previously far beyond its value, fell into the hands of a corporation, which thus found itself at a critical juncture called upon to discharge the duties of property, and entrusted with the care of this mass of humanity. Every allowance ought in fairness to be made for a body placed in such a position, but certainly the administration of this immense tract since it came under the tutelage of the strangers has attracted a great deal of painful attention. The rental of the estates has been enormously raised; an official return before me records that the society, between 1850 and 1869, caused or procured the eviction of not less than 1,442 families. It is said that rules of extreme stringency, unintelligible to simple peasantry, were until lately rigidly enforced, and it cannot be doubted that some dealings of the company were of a harsh tendency. They have also been charged with want of generosity during the distress in 1861–2, and even with obstructing

the development of the district, though I believe that this was really due to legal difficulties arising from their deed of incorporation. From all that I have heard, no blame attaches to the present agent of this immense property. But judges, statesmen, and high official servants have censured acts of this association. The subject has been mentioned in Parliament, and I wound the feelings of no individual person when I say that the Law Life Assurance Company, the successors of the Martins of Ballinahinch, are considered in Galway severe landlords.

This specimen of the administration of a vast estate induces me to say a few words on the theory on which landed property rests. A certain school of self-styled economists assimilates land to any other commodity, contends that a landlord may 'do what he likes with his own,' that he may as justly evict his tenants-at-will as a shipowner may dismiss his crew. Even on the principles of this school many of the evictions that took place in Ireland in former years cannot be justified. A shipowner would have no right to dismiss his crew if they had contributed largely to the construction of his ship without giving them a full equivalent; some Irish landlords were in the wrong when they evicted tenants without compensation who had added greatly to the value of their estates. But the principles of this school are radically unsound, and are opposed to those of true political economy. This science, acknowledging herself to be a mere satellite of political philosophy, itself the expansion of sound ethics, admits that her doctrines, which regard only the material wealth of a State and its subjects, must give way when they come in conflict with the requirements of the common weal, and, above all, must be kept subordinate to the great maxims of humanity and justice. In this matter of landed property it asserts with emphasis that no owner can manage his estate in such a way as to be detrimental

to the public good, or to neglect the lessons of real morality; and accordingly it repudiates as false the idea that landlords may treat their lands or their tenants as they please, if in doing so they do general mischief or disregard their duties as social beings. Whether the wholesale clearances, and such acts as, unhappily, were too common in Ireland twenty years ago, fall within these exceptions, I shall not attempt to decide or enquire; suffice it to say that beyond a certain point such a mode of dealing with landed property becomes obviously injurious to the State, iniquitous, and therefore not to be justified on the theory of true political economy. The fathers of that science would have been the first to denounce the sciolists who in their august names put forward doctrines fatal to society, who abuse weapons which in the hands of wisdom are of inestimable value, but which are most perilous when wielded by half-knowledge. Burke and Adam Smith would have condemned the notion that a landlord could depopulate a whole country side on the plea that he could do as he liked with his own; a greater than either, in the first page of a work on morals that will live for ever, has warned his readers against the supposition that economics are the standard of politics. Yet no one competent to form an opinion can doubt that all political economy lay in embryo in the thoughts of Aristotle.

And if true political economy rejects the notion that an owner of land may treat it, and the beings upon it, according to his mere will and pleasure, so does the Constitution under which we live. The feudal system, the grand mould out of which the landed relations of England have grown into their present form, annexed duties of a most important kind from the earliest times to landed property, and compelled the lord to recognize rights in his vassal inconsistent with mere capricious dominion.

Upon the break-up of that wonderful organization, its principles survived in English legislation; a notable instance is the Elizabethan Poor Law, and the whole law of settlement in England. And, what is more important, the idea that property in land imposes immense obligagations on its owners to the State and to their dependents fixed itself firmly in English opinion, and has become a kind of social axiom instinctively obeyed in the affairs of life; and to this day English landlords, as a rule, are penetrated with the noble conviction, on which they act as a matter of course, that their position involves great responsibility to their country and to the class below them. Moreover, under our Constitutional system, landed property in England carries with it power; and it is unnecessary to say that it is a maxim of politics that the possession of power implies a trust that it is not to be exercised at the possessor's whim, but that it is to be for the general advantage. In a word, the development of society in England is a contradiction of the false theory that the owner of land may deal with it as he fancies best, that he accepts it free from a tacit condition to manage it humanely and in the common interest. Unhappily, in Ireland these sound doctrines, essential to the maintenance of any land system in which landlords play an important part, have never had such a permanent influence; and though landlords in Ireland observe them fairly enough in an overwhelming majority of instances, exceptions to the contrary sometimes occur, and they have not in Ireland absolutely controlled opinion. I fear it must be said that an English company, in its capacity of a landlord in Ireland, has not conformed to them in all particulars.

CHAPTER XXI.

Galway, November 4.

A TRAVELLER who ascends a lofty mountain, in order to obtain a comprehensive view of an extensive landscape in all its aspects, halts usually at some stage in his journey to behold the scene which is gradually unfolding its character before him in its true proportions. He has not yet reached the high, free summit from which, with no intervening obstacles, and considering the prospect from every side, he can form an estimate of all that it discloses, and, thoroughly grasping its different features, can throw out a complete description of it. But he feels that a part at least of the country which he wishes to survey stands revealed before him, and he pauses to take a glance at it, and to interpret it in its general outline, before he speeds on his road upwards. I have attained a point in an investigation—intended, so far as time will permit, to examine the Land Question of Ireland, in its different bearings, at a variety of places—at which, before I proceed further, I shall endeavour to indicate, in a general way, certain broad results that have impressed themselves on my understanding with decisive force during the course of a tour, now of several months, through Leinster, Munster, and a main division of Connaught. My remarks will in no sense forestall the elaborate review in minute detail of the Land System of Ireland as a whole which I hope to present to your readers; still less will they deal with the peculiar measures required, in my judgment, to reform that system; but they will, I hope, bring together and express clearly what has hitherto necessarily been put forward in these letters in a desultory manner,

and may even suggest a sound train of thought with reference to the Land Question as it exists in three of the four provinces of Ireland.

Were I obliged to describe in a single sentence the characteristics of the land system of Ireland, in its Eastern, Southern, and Western divisions, I should say that they combine curiously a reasonable extent of material prosperity with formidable and widespread moral disorder. It is, no doubt, true that, considered as a whole, the agriculture of Leinster, Munster, and Connaught is still in a very backward state, that hundreds of thousands of acres require draining, that whole districts capable of improvement remain unenclosed and unreclaimed, and that, even on the actual area of husbandry, the resources of the soil, in innumerable places, are developed in a most imperfect way; nor is there the least sign that the wealth of these provinces will turn from the land to manufacturing industry. It is true also that, of the immense class of the occupiers of the soil in these portions of Ireland, a considerable fraction is exceedingly poor, and that in some counties the small holders of land are in a depressed and indigent state; nor is it less certain that the agricultural labourers are not always in a prosperous condition, after making every proper allowance for their natural position in the social scale. It would be idle, too, to say that the material burden of 'landlordism' is not occasionally oppressive, or that a good many estates are not overrented. Speaking generally, I have found overrenting more prevalent in the South and South-West than in the Midland and Eastern counties; and, as might have been expected, the light corn lands, for which the poor peasantry for the most part compete, are, as a rule, relatively at a higher rent than the rich pastures and fine tillage tracts often in the hands of capitalist farmers. Notwithstanding, however, these drawbacks, the material

condition of this vast part of Ireland is, on the whole, very far from bad, especially for a purely agricultural country, and its material progress during the last twenty years has been, in my opinion, considerable. I shall not at present enter into statistics; suffice it to say that every known test of economic science confirms the conclusion that in Leinster, Munster, and Connaught alike agriculture is much better than it was, that the wealth of these provinces has largely augmented, that nothing like general destitution exists, and that the comforts of life are tolerably fairly diffused among the various classes connected with the land. Much as remains to be yet accomplished, whole tracts have been surprisingly improved; it may be said that comparatively few districts are without signs of this ameliorating process; and the improvements effected by the landlord class, in some instances of an admirable kind, are very considerable as contrasted with the period of the Devon Commission. The tenant farmers, too, in very many cases, are wealthy, or in easy circumstances; as a body they are not sunk in poverty, as they were too often before 1846; and even the small holders, though usually poor, cannot be said to be in a state of wretchedness. As for the condition of the agricultural labourer, it is something utterly different from what it once was; the miserable serf who in former years was continually on the verge of pauperism is now fairly rewarded for his toil, and earns wages probably hardly lower than those of the same order in Devon and Somerset; and though this change has been at a terrible cost, I shall not argue as to its national advantage. It may be asserted, too, without fear of contradiction, that if in some districts rents are too high, they are not so as a general rule; that the pressure of rents, compared with the returns of farming, is much less than it formerly was; that the tendency of rent to be regulated by the competition of a half-

starving population has, in a perceptible degree, declined; that, in this respect, a decided revolution in the management of estates has been effected. I have certainly been visiting Ireland after a period of good harvests and prices; yet, in a material point of view, the condition of Leinster, Munster, and Connaught, allowing, of course, for considerable exceptions, is not without real evidences of prosperity, is not such as ought to alarm a statesman, or lead him to suspect great social mischief.

Turning from the material state of these provinces to the relations between the owners and occupiers of the soil, apart from present excitement and passion, there has been an improvement in some respects within the space of a single generation. Some, and probably not a few, landlords are more exact and zealous of progress than their predecessors of thirty years ago, and in this way may be occasionally vexatious. The general course of dealing with land has become, too, more strict and commercial than it was before 1846, and this has not seldom given offence to a peasantry traditionally jealous and sensitive; and, in some instances, the Landed Estates Court has introduced a class of small, harsh landlords. Moreover, acts of direct wrong, as a matter of course, may be laid now and then to the charge of some proprietors, as, similarly, acts of fraud and misconduct—I do not speak of violence or crime—are now and then committed by a certain number of tenants; such cases occurring more or less frequently in every relation of social life. But, considered fairly, the elements that compose the land system of this part of Ireland would seem, in the abstract, to be blended more harmoniously than they once were; and the misdeeds of individuals among the landed classes are far less numerous than at a not distant period. The instances of injustice that may be directly ascribed to the evil spirit of Protestant ascendency are wholly insigni-

ficant in point of number, though indirectly the influence of that spirit is not without very plain consequences. The general 'clearances' and evictions, in some cases the inevitable results of the events of 1846, have ceased; and the process of the consolidation of farms, the source of so much bad blood and illwill, has come naturally almost to an end. Estates, too, as a rule, are managed, not only better, but more humanely from the point of view of the ordinary tenant; the middleman class of grasping landlords has been, with few exceptions, got rid of; the Court of Chancery no longer lays a heavy hand on a vast mass of landed property; and even the mischiefs of absenteeism have been, to a certain extent, mitigated, complete non-residence being now not common. Even agrarian crimes, whatever may be said,* are few compared with what they were; and, in a word, many of the crying grievances and evils of the past have been diminished. It is simply untrue, too, that, as a class, or even in a great many cases, landlords in these provinces oppress their tenants; in fact, in general, they conform fairly enough to the usages of the country and their dependents' wishes. On the other hand, the tenant-farmers, on the whole, are no longer the mere degraded peasantry they were in the days of their forefathers; they have read, reasoned, and been taught a great deal; and though this has been a not unmixed good, it has made them more manly and self-reliant than their predecessors of another age.

Yet, notwithstanding this material improvement and this apparent change for the better in the general relations of the landed classes, at no period, certainly in this century, was the land system of these three provinces so condemned in opinion as it is now, or so fruitful of

* Since this was written agrarian crimes have increased. Nevertheless, I adhere to my statement.

discontent and peril. It is only necessary to read an Irish newspaper to see that from Meath to Kerry, and from Galway to Cork, the tenant-farmers are, in different degrees, dissatisfied with their existing position, and my own observation fully confirms a conclusion that hardly admits of a question. Moreover, what is called 'landlordism'—the order of things under which the soil is held in ownership by one class, and is used or occupied by one much more numerous—is described as fraught with wrong and injustice; the very institution of property in land is viewed with widespread dislike and disfavour; and landlords, as a body, I regret to say, stand comparatively isolated and opposed by an increasing force of popular sentiment. At the same time, the original principles that regulate rights connected with land are called into question and decried; the whole system of tenure generally prevalent is pronounced incompatible with the public good, and insupportable by the tenantry as a class; and the social relations which are its results are characterized as no longer tolerable. It is widely proclaimed that landlords and tenants stand towards each other as despots and serfs; that law arms the landlord with power destructive of the wellbeing of the tenant, and deprives the tenant of legitimate rights; that the tenant is almost universally in a position of precarious dependence; and that a state of things so disastrous and false must be brought speedily to a termination. Simultaneously with this, a series of claims to a share in proprietary rights to the soil are put forward on behalf of the tenant, and a formidable agitation has sprung up to secure him a partial ownership in his holding through a process verging on confiscation, or, at least, equivalent to a complete change in the existing conditions of landed tenure. It must be added that agrarian crime, all but extinct not long ago, has burst out again, and shows symptoms of increasing life; and,

though the outrages committed are comparatively few,* the agrarian spirit has seldom been so powerful throughout these parts of the island. At this moment it is not too much to say that it baffles, nay, overbears the law; that few landlords would dare to oppose it; that it controls the management of landed property; that it vindicates by terrorism, in a great measure, what the tenants consider their rightful demands. In a word, the land system of this part of the country provokes great and ruinous discontent; the owners and occupiers of the soil are in perilous antagonism; and society heaves with elements of disturbance that armed force alone prevents from exploding. Add to this that agrarian dissatisfaction has associated itself in some measure with a revolutionary movement, directed from abroad, and assailing Government and social order; and that though it is distinct from Fenianism, it is more or less in harmony with it, notwithstanding momentary signs to the contrary.

A certain class of politicians and thinkers accounts in a compendious way for this strange and ominous coincidence between a reasonable degree of material wellbeing and menacing and general moral disorder. Ireland, they say, never was so prosperous, her progress is an admitted fact; if not perfect in theory, the relations between the landed classes work tolerably well; landlords do not generally oppress their tenants; tenants are not generally wrangling with their landlords; rents are paid with admirable punctuality; the law as to the ownership and occupation of land is all but identical in England and Ireland. But Ireland is the prey of unscrupulous agitation; a band of lay and sacerdotal demagogues is endeavouring for selfish or wicked ends to provoke illwill between land-

* In 1844 the agrarian outrages that took place in Ireland exceeded 1,000 in number. I do not think that in 1869 they exceeded 100, atrocious as many of them were.

lord and tenant, to attack property, and to create confusion; and an ignorant, excitable, and lawless people, led astray by these execrable guides, believes in the idle tales it hears, thinks that its imaginary wrongs are real, and runs into agrarian and Fenian violence, under the influences of this atrocious teaching. I do not deny that all this contains a certain amount of truth, and I confess to an absolute want of sympathy with those who, for personal or evil objects, trade on the spirit of discontent in Ireland, and stir up elements of hatred and strife, under the pretence of advocating the cause of the people. But any one capable of understanding the subject must know that agitation is not the cause of national discontent, but a symptom only; that a great class really satisfied with its condition, or even conscious that its lot was a just one, never yet was carried away by a demagogue; that popular grievances must be well founded, especially at a time of comparative prosperity, before they produce general popular movements. Let us, therefore, rejecting this superficial stuff, consider calmly if there be nothing in the relations between the owners and occupiers of the soil and in the laws that determine their rights which, on on a view of ordinary human nature, may explain a great deal of the moral disturbance now existing in these provinces of Ireland. The first broad fact that attracts notice is that an immense majority of the occupiers of this immense area are a peasantry of small farmers only, incapable, from the very nature of the case, of dealing with their superiors on equal terms, and yet, in the absence of manufacturing wealth, attached to their holdings by a strong instinct that from them alone can they obtain a livelihood. Moreover, rejecting individual cases, and even making very large exceptions, this peasantry on the tracts they inhabit have done nearly everything that has been done for the land—have enclosed it, fenced it, and

made it profitable, have raised on it their humble homes, have gained that strong moral claim to enjoy it, acquired by the exclusive and successful outlay of labour on any given subject, or, in thousands of instances, by actual purchase with the sanction or acquiescence of their landlords. Yet this peasantry—be it remembered, the great mass of the tillers of the soil, if we add to them their dependent labourers—are, setting aside a small minority, not one-eighth probably of the whole, in the position of mere tenants-at-will, with no security for a continuous tenure, paying rents that may at any moment be raised, and liable every year to capricious eviction.

I have already indicated in previous letters the econonomic mischief of this state of things; suffice it now to say, that the unquestionable progress made by Ireland during the last twenty years has been made not through, but in spite of it; and there is reason to believe that that progress would have been more certain and more rapid had a better system of tenure existed. Let us now endeavour to think out what this condition of affairs implies, and whether it is not closely connected with the social troubles and disquiet of Ireland. It means that in Leinster, Munster, and Connaught the great mass of the occupiers of land are in a state of precarious dependence, placed by law at the mercy of a small body of landlords. It means that an order of individuals has legally the power of oppressing a class that virtually represents the people, and, unhappily, is directly tempted, through the raising of rent or other means, to appropriate the fruits of the industry of that class, or to destroy that equitable title to occupancy it has gained through its toil or by fair purchase. It means that law under these conditions is not only the exclusive privilege of the few, but offers to them facilities of tyranny and spoliation of the most cruel kind; that it affords no protection to the many; that it

does not save from unjust invasion what morally are their sacred rights of property, possessing in their eyes peculiar value. If we reflect what this system of tenure must appear to those who may suffer from it, we shall, perhaps, cease to marvel that an ungrateful peasantry do not appreciate its perfect equity, and are even greatly discontented with it. In this, too, possibly we may perceive a reason why, where this state of affairs prevails, material improvement and civilization are attended by growing social disorder. The more rich the peasant becomes, the more he lays out upon his holding, the more he adds to its beauty and value, the more keen his apprehension is that he may be mulcted in the shape of increased rent, the more bitter his feelings grow when he knows that he is liable to sudden eviction. In proportion, too, as his intelligence is developed, as he rises in the scale of society, as he becomes more of a free man, does he resent the state of vexatious thraldom in which tenancy-at-will leaves him, does he dislike the arrangements which reduce him to subserviency to a master's pleasure. To him, in fact, a rise in life is a peril, the rewards of industry a possible mischief, the light given by knowledge a source of pain; and every step of advancement he makes only shows him more plainly his inferior position. If we put ourselves in the place of that man, and reflect that he has hundreds of thousands of fellows, we shall perhaps understand that 'agitation' is not the sole cause of discontent in Ireland, and that real grounds of complaint exist; and we may see a reason why widespread disturbance may concur with tolerable material prosperity.

Dismissing again considerable exceptions, observe how Law, in this position of affairs, conflicts directly with Fact and Right and with the conceptions of a people. It gives a landlord the absolute ownership of the soil, though perhaps he has done nothing for it; it enables him to appro-

priate, as part of the soil, all the benefits his tenant may have added to it, possibly more than its original value; it treats the ordinary tenant as a merely yearly possessor, and will not recognize as his property the contributions he has made to his holding, or the price he may have paid for it. But it is straining a theory dangerously far to consider a landlord an absolute owner of land on which he expends nothing, and his relation with which is that of a rent-receiver only; it is iniquitous that such a landlord should have the power of taking from another what belongs to him; it is monstrous that no protection should exist for rights, often of the most valuable kind, to which a tenant is reasonably entitled. In this state of things Fact and Right declare that absolute ownership of land is unjust; that landlord and tenant ought to have co-ordinate interests in the land, to be measured by a variety of tests; and the popular sentiment expresses this, by claiming for the tenant a perpetual or a protracted occupation of his holding. Law, however, obstinately rejects these principles; and, utterly unfair in these circumstances, clashes sharply with justice along the whole domain of interests that touch the very life of a nation. It is painful to dwell on the sad consequences, but a social enquirer must note the truth. Law having failed to fulfil its duty, and to acknowledge the true distribution of rights that ought to co-exist in the soil, the peasantry have recourse to another law, to supplement this fatal omission; and agrarianism interferes to uphold by terror claims insensately ignored in our legal system. What ought to be the Eros of society abandons its function and loses its power, and uprises a grisly Anteros, to accomplish by violence what its opposite ought to have accomplished by equity and wisdom, and a people turn in sympathy to it. The secret of agrarianism, and of the hold it has on the minds of the peasantry in these

provinces—I do not speak of its occasional excesses, but of its general and formidable power—is that they believe that law does not do them justice, not that a race singularly moral and religious, and singularly free from social crime, is by nature a breed of assassins.

'But,' interposes a sage objector, 'what is the use of all this vague declamation? This system may or may not be good; this law may or may not be just; but no general oppression exists; landlords usually do in truth recognize the partition of interests you refer to; look at facts, and do not run off on theory.' But, in the first place, any system whatever, or any law constituted to uphold it, are to be judged by their essential merits, and not by their casual accidents. It is probable that the Draconic Code did not cause the death of many victims, that the old law which enabled the Roman patrician to immolate his plebeian debtor was not often actually enforced, that the great majority of the Southern planters were tolerably merciful to their slaves. But who can justify the Draconic Code, the old Roman law of debtor and creditor, the institution of slave ownership? and how can what is bad in itself change its inherent nature through mere circumstance? In the next place, recollecting the events that happened in this part of Ireland within a period comparatively recent, this apology fails even on its own assumptions. After the evictions and 'clearances' of 1847–1852, it cannot be said that at that time the interests of the tenants in their lands were respected, and the memory of this is not forgotten. And, lastly, this apology misses the real question, and does not even attempt to meet it. Granting freely that, as a general rule, landlords do not injure or harass their tenants, and do respect their fair rights to the soil, still instances to the contrary sometimes occur. The occurrence of these is always possible, and in the existing condition of landed

tenure this state of things produces results akin to those of widespread oppression. The continual apprehension of suffering has effects similar to suffering itself, and a tenant-at-will dreads and hates a system which exposes him to spoliation and capricious eviction, whether he is or is not despoiled or evicted. Those who will not admit that this is true will, perhaps, consider a plain analogy. Atrocious and frightful as they have been, the agrarian murders of the last eighteen months have not, I think, been twenty in number;* yet they have struck terror into the hearts of thousands, and they influence the administration of hundreds of estates. Precisely in the same way the acts of wrong done by landlords of late have been very few, but they have roused a spirit of alarm and passion that assails the whole system of landed property. Throw a stone into a pond and it breaks the surface at a point so small that you can hardly see it, yet how wide may the ripples extend—how great may be the disturbing influence!

The conditions of occupation, therefore, subsisting in these provinces of Ireland account fairly for a great deal of the dissatisfaction of the tenant class, and of the moral disorder I have noticed. Certain facts connected with the ownership of the soil have a tendency in the same direction. I have already said that the examples of wrong directly to be traced to the Protestant ascendency that still exists in these parts of the island are very trifling as regards mere number; but the circumstance that probably seven-eighths of the land belong to a proprietary of Protestants, and that, perhaps, even a greater proportion of the occupiers are Roman Catholics, is not without certain mischievous consequences, especially recollecting Irish history. This singular division, so far as I know

* A few atrocious agrarian crimes have since taken place, but I see no reason to depart from my position.

unparalleled in any other country in Europe, converts the landlords, almost unconsciously, into a kind of distinct and isolated caste, and alienating their dependents from them, throws them into the arms of a priesthood, most honourably devoted to their flocks, but with no sympathy with a Protestant landed proprietary. The result is a moral disunion, an antagonism, a want of real harmony in a relation requiring beyond all others mutual goodwill and perfect confidence, perceptible at once to a careful observer. The Protestant landlord, without knowing it, too often treats his Catholic tenant as a being of an inferior order; is kind to him, but in a patronizing way, seldom touches the chord that reaches his heart; in his intercourse with him is more haughty and cold than an English landlord is as regards his tenants; makes him feel that he is a mere vassal, yet knows that he does not possess his allegiance. On the other hand, the tenant considers his landlord as one of a privileged class, who had at one time an odious monopoly of power, and still has the means of doing him wrong; he has a kind of instinctive dread and suspicion of a demeanour not seldom unsympathetic, even of bounty not always cordial and gracious; he feels his superior morally a stranger, and he turns in trust to his spiritual guide, who, perhaps not willingly, but not the less surely, co-operates in widening the social breach. The personal regard, the happy traditions, the thorough goodwill, the easy confidence, that unite the landed classes of England cannot be fully developed in this state of things; and the comparative absence of these influences contributes, to a certain extent, to the discontent of the peasantry in these provinces and to their dislike of actual landed arrangements.

Two further circumstances concur to increase these sentiments, and to augment their evils. I think that the enormous absenteeism that prevails in Leinster, Munster,

and Connaught is not without economic mischief, but this is as nothing to the social consequences. When vast tracts, perhaps a fourth of whole counties, are deprived of the presence of their owners, when, as is especially the case in Ireland, the larger aristocracy are often non-resident and their social influence for good is wanting, landed property, in a great measure, is without the links that attach a peasantry to it, and wears a harsh and ungenial aspect. This state of things engenders dissatisfaction, and this rapidly passes into contempt and even hatred of landed ownership, when absenteeism, as sometimes is the case, brings with it exaction, neglect, and oppression. Let any one read De Tocqueville's account of absenteeism and its effects in France before the Revolution of 1789, and he will see one cause why, in these parts of Ireland, so little affection is felt for landlordism, why it has no hold on the popular sentiment. Another, and not unimportant, cause arises from the peculiar attitude taken by most of the landlords in these provinces in the political affairs of the last forty years, and from the consequences that have ensued. This class, as a rule, are Conservatives of a very marked and extreme kind, and they formerly had an overwhelming political influence in their counties. That influence they have generally used in opposing most of the great measures which have been passed since 1828 for the benefit of the Irish people, and the result has been a protracted strife between them and the classes beneath, which has terminated in their complete discomfiture. At this moment the sons of the men who, in the last generation, drove their tenants to the polls like a stupid herd are almost without any power in politics, and at the General Election of 1868 were unable to offer any real resistance to the will of the priests and their own dependents. Landed property, therefore, in this part of Ireland is too often unpopular and shorn of its influence;

it is at once disliked and contemned, a conjuncture perhaps the most disastrous that can occur to any institution.

This remarkable combination of circumstances may indicate why, in these provinces, a fair degree of material prosperity concurs with widespread social disturbance. To these we must add vague memories of confiscations, of ancient tribal rights to the soil, of conquests never wholly forgotten,—all guiding an excitable race to dislike the existing land system, and agitation appealing to passion and stimulating the sense of unjust law. I have written in vain if I have not shown that this state of affairs is absolutely different from anything that exists in England. It would be as absurd to suppose that the land system of Ireland resembles really that of England because legally and nominally there is a resemblance, as it would be to imagine that the monarchy of Louis XVI. was essentially similar to that of George III. because three orders were to be found in each, and both had sprung out of a common feudalism. It will be time enough to talk of a true likeness when the lands of the greater part of England are occupied by a poor tenantry-at-will who have done almost everything for the soil; when law in England ignores their moral rights; when the ownership and occupation of the country are marked by a deep religious division; when not only absenteeism exists but absenteeism of the heart prevails; when lines of demarcation, palpable and distinct, draw a barrier between the landed classes; when agrarianism appears to defy Government, and usurps the administration of landed property. Two features in the land system of this part of Ireland come out plainly after this brief review: the usual mode of tenure is utterly vicious, the conditions of ownership are widely disliked. A statesman, I venture to think, ought to fix his mind steadily on these two facts, and to consider how to remedy their mischiefs. A solution of the problem, I dare to

say, ought, if possible, to fulfil four main conditions. In the first place, any proposed reform ought to respect religiously all rights of property, taking the term in its legitimate sense. In the second place, it ought to remove the inherent mischiefs of tenancy-at-will, and protect the rights of the Irish occupier. In the third place, it ought to make as few changes in our system of law as are consistent with substantial justice, and not to disturb violently existing usages, provided they can be reconciled with right. And, lastly, subject to these qualifications, it ought to fall in with 'Irish ideas,' with the genius and instincts of the Irish people. Such a reform, in my opinion, is possible; I shall indicate its specific outlines at a subsequent stage of this enquiry.

CHAPTER XXII.

Enniskillen, November 11.

THE line from Galway to Mullingar runs over a country the greater part of which I have briefly described in previous letters. At Mullingar a traveller to the North turns from the main route of the Midland Great Western to a branch which, by Cavan and Clones, connects itself with the Ulster railway system. It was raining so fiercely during the first three hours I was upon this part of my way that I was hardly able to see anything; the landscape, however, seemed bleak and dreary in the thick drift that shut in the horizon. After leaving Cavan the November sun put out towards evening a feeble ray, and I caught a glimpse of a pleasing succession of gentle eminences and green uplands, here and there fringed by dark woods and plantations. The first sight which attracted my eye at Clones was a trophy of orange and crimson flags, trailing from the parapets of the parish church, to commemorate the glorious 5th of November, the anniversary of the Gunpowder Plot and of the landing of William III. at Torbay; and the spectacle reminded me that by this time I had passed far within the precincts of Ulster. If the sentiments which prompt displays of this kind have something in them that commands respect, the conversion of what ought to be a centre of peace and goodwill to all men into an offensive monument of ancient discord is odious to a well-regulated mind; and it would be difficult to overestimate its galling effect on those to whom it recalls the images of bitter subjugation and a proscribed religion. Flags and banners are harmless

things in England, signs usually of village revelry and mirth; in Ireland, and especially to the Irish Catholic, they are often the emblems of shame and defeat: and the view of that church, to me at least new, gave me some notions of the feelings engendered by Protestant ascendency in this island. From Clones night closed over the scene; but as I have since driven over the country between Enniskillen and that place, I can describe it as a tract of low hills and plains, for the most parts fertile and bright with verdure, and bathed along its southern verge by the waters of the Erne, half lake, half river, winding through labyrinths of wooded islets. As for Enniskillen, it is a neat little town, of cleanly streets and well-built houses, which, standing on an island in the Erne, and commanding the only passage along the water-line from Belleek to Belturbet, was once an important military station to the colonists of the Ulster Pale, but it has few features of modern interest. Its name, however, will live in history in the deeds of a past generation of citizens; and though the standards of Newtown Butler are no longer seen in the town-hall, the place abounds in traditions of a day that went far to turn the scales of fortune in the memorable struggle of 1689.

I am writing from the capital of Fermanagh, one of the six counties which compose the area of the celebrated 'Plantation of Ulster,' and which, in different degrees, bear, to this day, the character of that remarkable settlement. Fermanagh, formerly the land of the Maguires, came finally under the dominion of the Crown at the commencement of the reign of James I.; and the attention of that Sovereign and his Ministers was directed to the colonization of the tract, together with that of the greater part of Ulster. The genius of Bacon in a great measure presided over the proposed plantation, and though his projects were not wholly carried out, they

have left their mark on the work that was done, and its comparative success may be ascribed to him. In all the preceding settlements of Ireland, and, it must be added, in those which followed, swarms of colonists were let in on the land, with little provision for mutual support, and with no regard for the rights or feelings of the aboriginal race which remained on the soil. The strangers occupied the fertile places, often isolated, and apart from each other; they lived on these without the protection of dependents of the same origin or blood; and they were surrounded by the flood of the vanquished Irishry, too often reduced to mere thraldom, and implacable because wholly despoiled and outlawed. The consequences were, either that the colonists sank gradually into the mass of the natives, and, growing 'more Irish than the Irish themselves,' formed no foundation for the power of England; or, as usually happened in later times, they were marked off into a distinct caste, which, upheld by England and penal laws, did not amalgamate with the conquered people, and continued morally separated from them. These mischiefs were, in part at least, avoided in the settlement of Ulster, and the results are to this day manifest. Fermanagh and the other forfeited counties were largely divided among 'undertakers,' for the most part of English and Scottish descent; but care was taken that the newcomers should be 'regimented,' so to speak, on the soil; that they should hold all the points of vantage, and should build fortified dwellings in close connection; and, at the same time, it was made a condition of their grants that they should bring over a considerable number of tenants, who, curiously enough, were in no instance to be in the position of tenants-at-will, and who were to become a thriving yeomanry, allied to their lords in race and religion. Nor were the conquered Irish left out of the scheme, or driven to the resources of fury or despair.

Large allotments of land were reserved for them, and though they were placed in an inferior position, and kept segregated from their foreign neighbours, this probably was a merciful arrangement, and whatever hardship appears in it may be ascribed to the exigencies of the time. Unfortunately, they were denied the free exercise of their religion, though Bacon argued conclusively in their favour; yet, though they were treated as a subject race, their lot was certainly a much better one than that of the vanquished Irish in the rest of the island.

The general result of this settlement was that large English and Scottish colonies established themselves firmly on the soil of Ulster, overbore the influence of the aboriginal people, and have gradually built up the state of society which, for its comparative tranquillity and wealth, distinguishes the province from the rest of Ireland. The 'undertakers,' with their train of dependents, rooted themselves in the subjugated districts, and formed communities bound to each other by the strongest and most enduring ties; the children of the soil, though of course sullenly, acquiesced slowly in a change of fortune, impossible to prevent or alter, and not inconsistent with tolerable comfort. Twice, when the settlement was still recent, in 1641 and 1689, they rose against their alien superiors, but on both occasions they were ultimately subdued; and since that period they have not only abstained from anything like a real insurrection, but they have been generally more peaceable than their brethren in the rest of the island. Meantime the colonists, in the relation of landlord and tenant, from the first clung together through all chances of fortune; have become a proprietary class, and one of yeomen and peasants, identified in sympathy and interest; have lived together in goodwill; and have placed Ulster in the front of civilization in Ireland. And, what is more remarkable, though

to this day their descendants have little in common with the native race, though they treat them too much as a distinct caste, and they are separated from them by differences of religion, too often leading to violence and discord, still they have formed for themselves a type of life of which that race shares the full benefit, and they have raised it to a position of security, in all relations connected with land, which it does not enjoy in the rest of Ireland. Society, accordingly, in this part of the island, is fashioned upon a happier pattern than in Leinster, Munster, or Connaught; and the results are seen in comparative felicity and progress. For evidences of this it is only necessary to pass rapidly, as I have done, from the South and West, into this part of Ulster. Fermanagh is not a very wealthy county, its agriculture is not particularly good, and, in driving through several districts in it, I saw a great deal that would shock a scientific husbandman. But, contrasted with Connaught, it is another world; and, indeed, the contrast more or less applies to most of the other counties I have seen. The peasantry here have a look of independence and even of boldness that is very striking; their intercourse with their superiors is free and open; and as for their dwellings, neat, tidy, and clean, I have seen nothing like them since, weeks ago, I left Bargy and Forth in Wexford. Fermanagh, I should add, is decidedly a progressive county, though one of holdings generally extremely small; and, though its population has declined a great deal, I have reason to believe that but few families have been altogether detached from the soil. Large 'clearances' and evictions were never known; the rate of wages is something higher than in the South; the land nowhere seems worn out; and, regard being had to its present condition, I thought it low-rented upon an average, the rents varying from about 12*s.* to 40*s.* the Irish acre.

Those who believe that everything wrong in Ireland is to be ascribed to 'Popery' alone, will, of course, insist that this relative prosperity is due wholly to the predominance of 'Protestantism' among the occupiers of the soil in Fermanagh; and those who read history on a theory of race will point to their Scottish or English extraction. Now, I am inclined to think, although with diffidence, that Protestantism, as compared with Catholicism, has a tendency to develop more individual energy; and perhaps, though the fact admits of dispute, a Teutonic breed is more apt than a Celtic in surrounding itself with material comfort and with the riches and conveniences of life. But that neither of these causes will nearly explain the superior condition of this county, or give anything like an account of the matter, may be gathered from a simple consideration. Persons of all ranks, from the peer to the peasant, have assured me that no difference can be traced, in point of industry, self-reliance, and thrift, between the Protestant and Saxon farmer of Fermanagh and his Roman Catholic and Celtic fellow; that both cultivate the soil as well, that both have equally comfortable homes, that both are equally hard-working, and though the Roman Catholic tenantry of this country are certainly not a favoured class, and, even yet, do not stand as high in the social scale as the Protestant, they, in all respects, compete fairly with them. This would clearly show that we must seek another reason why this part of Ulster is more prosperous than most of the other provinces, nor is that reason difficult to discover. The classes connected with the soil in this county which have shaped its destiny, and given it its social form, have for centuries lived together in goodwill; and, set in the relation of landlord and tenant, have treated each other with mutual regard, have observed their respective rights and duties, and have even ex-

tended the gracious usages which have been the fruit of this state of things to those once in a thoroughly subject position, and still widely separated in race and religion. Society, accordingly, has grown up under kindlier and more happy auspices than has been the case in less fortunate districts; and the great relation of owner and occupier of the soil having been placed on foundations comparatively sound, security and progress have been the consequence. This leads me to examine the famous custom, which, so to speak, is the visible expression of this harmony between the landed classes, and which is considered by some persons as the model for a reform of the land system of Ireland. Fermanagh is a Tenant Right county; the usage exists on most estates in it, in different forms and various degrees, and its spirit is universally prevalent, and I have done my best during a brief stay here to make myself familiar with its nature and working.

Apart from a few estates, such as that of Lord Portsmouth, Tenant Right exists in a kind of loose way, half recognized, yet not acknowledged as binding, in other parts of Ireland besides Ulster. In my judgment it may be ultimately traced to a sentiment implanted in human nature that when, as is usually the case in Ireland, a tenant has done much for his holding, and has been long in occupation of it, he acquires a kind of interest in it which is more or less at his disposition. But though Tenant Right exists in a crude form, on numerous estates, and in exceptional cases, in many, perhaps most, of the counties of Ireland, especially in the midland districts, it is nowhere a local social custom, it has nowhere acquired a binding force, save in a certain number of counties in Ulster. This circumstance is, beyond all doubt, due to the good feelings that prevailed between the colonizing landlords and tenants of the 'Plantation,' and that has continued through two centuries and a half; and, as I

have said, the custom, once formed, extended itself indifferently to all in the position of occupiers of the soil, and enured to the benefit of the conquered natives. The colonist tenant when he had built his house on the rude waste on which he had settled, and had enclosed it and made it profitable, felt that he had a property in it; the colonist landlord, his brother soldier, and his friend during a series of generations, acquiesced in what was naturally just, and the practice gradually became general, was applied to tenants of all kinds, and received the sanction of unbroken usage, stronger than law in certain stages of society. In this way Tenant Right grew up, and, to this hour, it affects estates in this county more or less sensibly, though I have reason to believe that its binding force is less powerful than it has been formerly. The custom, as it exists now, may be said to be that the Fermanagh tenant, whether his tenure be by lease or at will, has a kind of interest in his holding, which his landlord is under an obligation to respect, and which realizes itself—if I may use the expression—on whatever occasion, or by whatever means, his lands are transferred to a new possessor. During his occupation his only status is that of a tenant measured by his tenure; but, should he surrender his lands to his landlord, or should he even be evicted from them, he becomes entitled to a money payment for the goodwill, and he has a right to obtain a similar sum, or whatever sum he can reasonably obtain, should he alienate his holding to a purchaser. And as the landlord, on the one hand, ought to protect this peculiar interest of his tenant, and not impair it by raising rent capriciously, or by any undue exercise of power, so, on the other hand, it is the duty of the tenant to see that the landlord's rights are upheld; and, accordingly, the custom always gives a landlord a title to control and regulate the transfer of the interest of the

tenant, and enables him occasionally to raise his rents, according to some rude standard of justice, not well defined, but tolerably fairly adjusted.

Such, I believe, is the true conception of the Tenant Right that exists in this county, apart from modifying and accidental circumstances. It is a Conditional Right annexed to a tenancy, that, subject to the just rights of a landlord, a tenant shall have an interest in his land that shall secure him a price for the goodwill of it on a loss of the possession or a transfer of it. In this county it is to be found in a variety of forms on different estates; and, on the whole, I am inclined to think the influence of the custom is on the decline; but the same idea underlies it in all its complex manifestations, and it is still really a local law of property, to which the landed classes, as a rule, conform. It occurs only in a few instances, in what I may call its most simple type, that the tenant shall have complete liberty to dispose of his interest in market overt, to a purchaser at the highest price, subject only to a veto on the part of the landlord, in order to exclude an improper purchaser and to secure a reasonably good incoming tenant. Not many Fermanagh landlords, I believe, directly sanction or countenance a practice which, as I have pointed out before, has a tendency to reduce an owner to the position of a mere rent-charger, and gives a tenant or a purchaser from him an interest akin to real ownership on the payment of an annual render. In most instances, landlords have set restrictions on the tenants' power of disposition, and either appraise the value of the goodwill, and buy out the Tenant Right themselves, disincumbering their estates of the charge; or else compel the tenant to transfer the goodwill to a fellow-tenant only; or put a *maximum* price on the Tenant Right, which alone, they avow, they will respect; or, finally, discountenance the Tenant Right, unless proof be afforded

that the lands have been improved during the tenant's possession. Through these expedients, obviously intended to reconcile the dominion of the landlord with a claim more or less an intrusion on it, the *jus disponendi* of the tenant is fettered in a variety of ways, and his interest may be considerably modified; and, in some cases, complaints are made that the Tenant Right is being gradually reduced and undermined by all kinds of processes. Nevertheless the Right exists as a fact; it is recognized in some shape or other on almost all estates in this county; it is sustained by what is a local law; and hardly a landlord, I venture to say, would invade it directly, either by evicting a tenant-at-will without some payment, or by destroying the Tenant Right by raising rent suddenly on an intending purchaser. Such acts certainly may occur, and have perhaps occurred in rare instances, but they are thoroughly condemned in general opinion, and, were they attempted on anything like a large scale, they would be stopped by a combination of all classes that, I have no doubt, would prove irresistible. The Tenant Right, secured in this way, varies greatly in value on different estates, according to a variety of circumstances, depending partly on the restrictions on it, and in some degree on the character of the landlord. It seldom, I think, falls short of a price equivalent to three years' rent of a holding, and it may rise to a price of five or six years' rent, but it fluctuates so much that it is, perhaps, impossible to form an estimate of the real average. Subject to this Right, such as it is, the landlord enjoys all other rights of property, and he is considered entitled to raise his rents, according to fair dealing and justice, provided the rise does not encroach seriously upon the tenant's sacred *peculium*.

It is not difficult to point out the economic defects of this singular custom. I do not attach extreme importance

to the objection that its tendency is to prevent the application of capital to land, inasmuch as an incoming tenant often pays his predecessor a large sum that otherwise he would lay out on his farm. This objection is fairly answered by the fact that the tenantry of this county, though seldom wealthy, pursue a course of cultivation reasonably good, and very much better than that of the corresponding class in the greater number of the Southern counties; and these small farmers have usually some savings, and an ample fund of that great spring and creator of capital, sturdy industry. This objection, moreover, at bottom assumes that the outlay for Tenant Right is sheer waste, and that it secures only the mere legal tenure, whereas in truth it is a purchase of what is a valuable interest guaranteed by a local law of opinion. The true economic objection, I conceive, to the custom is that it has a tendency to confuse the rights of landlord and tenant—to make them concurrent owners of the land with interests imperfectly defined; and, accordingly, it may possibly operate, through this partition, to retard improvement. Land distributed in this curious way, so to speak, 'falls between two stools'; and, perhaps, neither landlord nor tenant is so stimulated to call out its resources as they would be if the one retained the absolute dominion of the fee, and the other held by a definite contract. On the other hand, where it has taken root the custom works very well on the whole, and, as compared with the precarious tenures of the South, is fraught with happy social and economic results. In the first place, as the landlord's arrears are a first charge on the Tenant Right, his rent is always practically safe; evictions really are seldom heard of; and, as I have said, the Tenant Right does not interfere with a fair rise of rent according to the natural advance of society. In the second place, even if an eviction should chance to occur, its hardships are lessened,

the outgoing tenant having the certainty of a provision, and he is not, as he too often is in the South, driven suddenly from his home to the workhouse. And lastly, and most important of all, the custom, as it is found here, establishes really that security of tenure which is the first condition of agricultural progress and of social well being and peace. It is well understood that the Tenant Right, whatever it is, is to be respected; it shields, so to speak, the tenant's title, and the saleable interest of the tenant, whether in his hands or in those of a purchaser from him, is not only not to be invaded by the landlord, but actually supports his claim to the possession. Although his status is measured by his legal tenure, the *jus disponendi* he enjoys relates, as lawyers would say, to protect him, and gives him virtually an occupation hardly ever disturbed.

It would be, however, shallow to imagine that this custom is the only cause of the comparative prosperity of this county. That prosperity is to be traced, I believe, to the fortunate relations which, during centuries, have existed between landlords and tenants descended from the original colonists, and which have so thoroughly moulded the type of society that they have even protected the aboriginal race, which, though certainly even to this day a caste rather distinct and not favoured, nevertheless enjoys security and justice on the soil extensively occupied by it. Tenant Right, in truth, is merely a proof and visible sign of the general goodwill which knits the landlords and tenants of Fermanagh together, and which is the ultimate cause of the welfare of this district. And it will be observed that, viewed critically and apart from its social conditions, the Right is really a vague thing, theoretically of no great value, and liable to be destroyed or invaded—nay, conceivably, worthless, if disengaged from the peculiar circumstances which have

given it being. Tenant Right is unknown to the law of the land, though sustained here by a local law which no landlord, perhaps, would directly break; and, accordingly, held in respect as it is, it cannot afford that absolute protection which the authority of the State can alone give. From its very nature, too, it is exposed to danger, for it does not provide any positive guarantee against the capricious raising of rent or the eviction which would completely destroy it; and it is not easy to see how any general law could shield it completely against such attacks without assailing seriously the rights of property. At best, too, it is a right of which the value varies greatly within narrow limits; and though, probably, no landlord of this county would defy it openly, some landlords have restricted it a good deal, and, so to speak, are slowly nibbling it away. For these reasons it is not considered, even by those who have the benefit of it, to form a perfect system of landed tenure; and a few persons go as far as to say that it is little more than a showy delusion. I endeavoured to form a rough estimate of its value in general opinion here, and asked farmers in many places whether they would prefer their Tenant Right to a lease, at the existing rent, for a reasonable term, under fair covenants. 'The lease' was the answer in every instance; there was not even a single exception; and it would thus appear that some tenants, at least in this county, are not only willing to exchange the custom for a definite contract, but that the custom, in their judgment, gives them only a qualified security of tenure.

CHAPTER XXIII.

Londonderry, November 19.

I SET off from Enniskillen with the expectation that a few hours' journey would bring me safely to this historic city. The short winter's day had reached its close before I left the capital of Fermanagh, and I only speak from hearsay when I describe the country through which the train passed as a succession of hills and undulating lands, for the most part of an uninteresting character. On arriving at Strabane, the point at which the Mourne and the Finn run into the Foyle, the carriages suddenly came to a stop, and the intelligence went round that a violent flood in these mountain rivers had made the line impassable for miles, and that we might remain where we were all night. The morning revealed a scene such as that painted by Virgil with the happiest touch in his sketch of the Italian valley overrun by the Po and its swollen affluents. From the narrow ridge of the raised embankment we saw trees, houses, and fences emerge from what seemed far and near a spreading lake, and two or three lines of seething eddies marked the channels of the commingled torrents that rushed foaming on their way seawards. After some trouble we were landed at Strabane, its little streets turned for the time into lagunes, and I drove thence on an upland road along the edge of sheets of flood that covered thousands of acres. It is evident that the North as well as the South of Ireland wants a good system of arterial drainage, the main outfalls of the whole island being unable at their present levels to

carry off the superfluous waters that injure its agricultural area; and, in this single instance, I suppose the flood has destroyed or damaged a large amount of property. After leaving Strabane you pass into a region of fair and cultivated lands, laid out pleasantly in broad enclosures and the little farms of a thriving peasantry; and the eye dwells with delight on a long succession of fine farm-dwellings and neat homesteads, that, in the midst of trim tillage and pasture fields, gives a charm to the surrounding landscape. This is part of the estates of the Duke of Abercorn, and this tract, and another which forms an outlying portion of the property of Lord Erne, in Donegal, seemed to me to deserve especial notice, though all the country upon this way wears a civilized and flourishing aspect. The Duke and Lord Erne are well known as two of the best landlords of Ulster, fulfilling honourably the duties of property, and just and liberal to their dependents; and I am happy to say that what I saw of their estates bears witness to their general reputation. A little incident that occurred on my drive marks the extraordinary distinction which popular opinion in the North and the other provinces of Ireland makes in estimating the obligations of landed property. I was casually told that 'the Duke of Abercorn and Lord Erne were very good landlords, but rather hard, as they would not allow more than five years' Tenant Right to an outgoing tenant.' A Southern landlord of equal liberality would be lauded as a marvellous phenomenon.

Londonderry is a busy and wealthy town of well-built houses and clean streets, rising along a hill that, hemmed in by eminences, goes down to the estuary of the Foyle. Like Vienna, the old city has long ago spread itself beyond its original limits; a large and populous suburb extends on all sides from the ancient acropolis; and

smoky factories, crowds of shipping, and wharves and warehouses densely stored show that the place is a seat of thriving commerce. Yet to this hour Londonderry attests the memory of a very different time, when its heroic garrison saw the tents of Rosen wind round them a deadly coil of famine, and their failing eyes during months looked in vain for deliverance across their imprisoned river. The Protestant cathedral, its altar crowned with the flagstaves taken in a fierce sally, commands, as is fitting, the whole scene; and the venerable guns, that did good service in one of the grandest passages of history, still frown along the unconquerable ramparts, preserved with pious care by the citizens. Trophies of a greater yet less memorable siege mingle here and there with these famous relics; and a passing visitor observes with pleasure that if Protestant and Catholic Ireland must still think differently of the glories of Derry, they have shared equally in those of Sebastopol. Far beyond the *pomœrium* of the sacred walls, on a spot once held by the soldiers of James, a majestic Catholic church is now seen; a pledge, let us hope, that Christian goodwill will, at last, under just laws and government, obliterate the traces of war and discord; though, unhappily, that day has not yet shone on Derry. Outside the town trim villas and gardens, extending for a considerable distance, attest the opulence of successful traders; and for some miles the adjoining country spreads out into broad fields and enclosures, in places dotted with fine homesteads, that prove, at a glance, that capital and skill have here established large-farm husbandry. As regards the general features of the county, it is a broad tract of not very fertile soil, divided midway by a mountain range, and broken into a series of hills and lowlands, flowing in many places with abundant waters. There are some large farms in the few rich tracts, and all that I saw were in excellent

order; but the holdings are for the most part small, and, though many are admirably tilled, some certainly are in a backward condition. On the whole, however, the agriculture of the county seemed to me very good, decidedly better than that of Fermanagh; and the peasantry are a self-reliant and independent race, their accent and bearing revealing at once the predominance in them of Scottish blood. Londonderry is a very progressive county, its agricultural area having been enlarged nearly one-twelfth during the last fifteen years, and its live stock having increased in value not less than 66 per cent. between 1841 and 1861; and in this, as in other instances, we see progress coinciding with a decline of population relatively small, and a system of relatively small farms. Making every allowance for disturbing causes, this concurrence, repeating itself so often, must be pronounced significant in the extreme.

Londonderry is one of the six counties included in the famous 'Plantation of Ulster.' Here, as in Fermanagh, a powerful colony of Anglo-Scottish breed, and in faith Protestant, established itself firmly upon the soil, united in the relation of landlord and tenant, and built up a new order of society that has developed the germs of civilized life, and has been ascendant during two centuries. Here, too, the usages connected with land which grew out of the intimate ties that bound together the original settlers, took root and modified the whole system of tenure; and here, too, these usages gradually were extended to the aboriginal race, and gave it protection under its conquerors. Speaking generally, therefore, the land system of Londonderry resembles that of Fermanagh in its essential and most characteristic features; in the ownership and occupation of the soil we see deep and indelible traces of the intimate association of the early colonists; a custom, still of extraordinary force, gives the occupier a

peculiar interest in his holding; and the benefit of this local law applies indifferently to the Roman Catholic Celt and to the Protestant descendant of the Anglo-Scottish settler. In one particular, however, of some importance, a difference may be perceived in the landed relations of the two counties. The landlords of Fermanagh are, for the most part, resident; some of the principal ones are particularly good; and the result is that the connection between the landed classes in that county is generally of a very pleasing kind, and retains much of its primitive character. On the other hand, from the Plantation to this day, by far the greater part of Londonderry has been possessed by the great London companies, which, under the control of the Irish Society, received grants of nearly the whole county; and these proprietors having been always absentees, the consequences are distinctly manifest. In the early age of colonization and conquest the companies, or their agents, no doubt resembled all the 'Plantation landlords.' Connected with the occupiers on their estates by the closest links of affection or interest, they co-operated in fashioning the type of life that was the expression of this sympathy, and they sanctioned or encouraged the growth of the usages common to the whole settlement. In this way their non-resident proprietorship was long probably without any bad effect, and, even to this day, its results have been less mischievous than might have been supposed, for the tenants on their lands, still tolerably secured in the enjoyment of their ancient privileges, can thrive very well without landlord assistance. Still, the absenteeism of these societies, as time has rolled on, has had a tendency to weaken the regard that ought to exist between the owner and the occupier of the soil; and it has deprived the relation of landlord and tenant throughout this county of much that adorns it and gives it lasting

strength. The companies are not liked as landlords; complaints are made against several of them, and though I believe that, in general, they administer their estates very well, and they are neither really illiberal nor harsh, public opinion is rather opposed to them, and they have probably weakened the moral influence of landlords over a very large district. I have much pleasure in mentioning the name of Lord Templemore as one of the best of the comparatively few individual proprietors in the neighbourhood.

Notwithstanding this distinction, however, Londonderry corresponds to Fermanagh in the most vital point of its landed relations. Londonderry is eminently a Tenant-Right county, and the custom, in a greater or less degree, affects probably nearly all estates in it. The value, moreover, of the Right is decidedly higher than in Fermanagh, either because it was once more thoroughly recognized, or because, as I suspect, the Londonderry farmers, being wealthier than their Fermanagh brethren, raise the price by a keen competition; and it ranges here, I think, on an average of from five to twenty years' rent of the land, say from 6*l.* to 24*l.* the Irish acre. In Londonderry, too, as in Fermanagh, the landlords endeavour in a variety of ways to control, limit, or appraise the Right, in order to keep it within bounds and to reconcile it with their legal ownership. In this respect individual proprietors and the companies act very much alike; and though the Right is still firmly upheld by a local law of public opinion, I think the general tendency of affairs is, as in Fermanagh, to weaken its efficacy.

Having already explained the origin and nature of this singular modification of tenure, which, wherever it exists, gives a tenant of land an interest that, though ever potential, is realized, so to speak, when he leaves his holding, I proceed to consider it more closely. Viewed as an existing fact of society, Tenant Right really all but

assures security of tenure to its possessor; and, whatever landlords may think to the contrary, it gives a tenant, according to its value, an indefinite partnership in the soil, or, at least, an indefinite charge on it. When the custom of a district declares that an occupier of land has an interest in it which, even though it fluctuates in amount, is substantial and can be bought and sold, and when it condemns every breach of this usage, it is evident that a tenant will be seldom disturbed, that he has a positive and strong hold on his farm, and that, practically, he has a share of some kind beyond his tenure in the fee simple. Accordingly, in Tenant-Right counties evictions have always been very uncommon; and landlords and tenants, as a matter of fact, without regarding legal distinctions, and, as it were, unconsciously and by tacit consent, have a sort of divided right in the soil; not the same, perhaps, on any two estates, differing often strangely in different places, yet usually settled by some rude equity in a prolonged course of mutual dealing. Yet though Tenant Right has really these effects, and unquestionably more or less entrenches upon the absolute ownership of the soil, it is singular, nevertheless, how aptly as a general rule it adjusts itself to the ordinary relations of landlord and tenant, and to the incidents that belong to them. It is probable abstractedly that it does operate to lessen the natural rent of the landlord; but it does so to a much less extent than, economically, would be supposed, and, as we have seen in the case of the Portsmouth estate, its ultimate tendency may be, at least compared with tenancy-at-will, to cause rent to rise by giving security; and it seems to be assumed that if all estates were suddenly relieved of the burden their rent would not nearly rise in proportion. Tenant Right, too, as I have remarked before, is found compatible with a fair rise of rent, according to some rough standard of justice, even though

the rise may in some measure affect the interest of the occupier in his holding.

Such is Tenant Right, as a matter of fact, in a district where it is really respected; and it must be added that it coincides at least with quiet possession, with social progress, and with immunity from agrarian outrage. It gives virtually a concurrent interest in land vested in a tenant beyond his legal status, which encroaches more or less on a landlord's rights, and yet is found co-existing with them, though sustained only by local custom. Viewed critically, and apart from circumstances, it is obvious how closely it corresponds to those equities in the soil of the tenant of the South which, though not upheld by the same sanction, and existing as it were upon sufferance, are nevertheless not often infringed. The Tenant Right of Ulster, in truth, is nothing more than a free development of the practice of the sale of the goodwill of lands which prevails in several parts of the South, which hundreds of Southern landlords wink at, and a few encourage to the fullest extent, and which, once a farm had come into the hands of a purchaser for valuable consideration, would be almost universally acquiesced in, even though no licence to sell had been given. In its vagueness, too, in its indefinite nature, in its variableness as regards different estates, in the difficulty of reducing it to any positive standard, the Right has a very plain analogy to the equity of the tenant in respect of improvements, of which I have so often written in the South, even though, as I think, this element is not the real or only test that decides its value; and, in fact, it might be almost as easy to say what, taking large districts, ought to be the claim of the occupiers on them for compensation for their contributions to the soil, as it would be to declare what their Tenant Right ought to be worth in the general market. It is, however, when we come to consider Tenant Right

and these analogous equities with reference to our legal system that the resemblance between them becomes most striking, and most distinctly challenges attention. In different degrees these common claims of the Irish tenant tend to engraft an interest on a landlord's estate derogating from absolute ownership, in the case of the Tenant Right of Ulster an interest of a very decided kind; in the case of the looser equities of the South an interest less clear or less recognized, but, notwithstanding, usually respected. This interest, however, although it conflicts directly with a landlord's legal rights, is not, either in the North or the South, made law-worthy or protected by the State; and as a Southern proprietor may ignore any equity of his tenant in respect of improvements or of money laid out in the purchase of goodwill, so a Northern proprietor, as a matter of law, may extinguish the Tenant Right on his estates, either by unduly raising his rent, by a notice to quit, or by eviction, assuming of course, as generally happens, that legally his tenant holds only at will.

From these considerations it follows that, in this great matter of landed tenure, law, in theory, is at issue with Fact and Right in Ulster, as in the rest of Ireland. Here, as in the other parts of the island, law declares that a landlord is an absolute owner, though his estate may be subject to claims which morally abridge his rights extremely, and even in the face of the strongest custom it will sanction his abolition of those claims, and will even give him facilities for the purpose. Abstractedly, therefore, it would appear as if the bold free tenant of the North were in as bad a plight as his Southern fellow—nay, in a worse plight, inasmuch as his Tenant Right usually far exceeds in value any equity which may belong to the other. We know, however, that, in fact, the difference between the two is immense; that the tenant

of Ulster feels himself secure and entitled to a real property in his holding, while the tenant of the South has no such convictions, and too often acts as though his tenure were a mere precarious annual possession. The simple reason is that in the one case custom, acting with the force of local law, and resting upon the happy traditions that unite the landed classes of the North, does really restrain the law of the land, and almost always vindicates the rights of the tenant; whereas in the other such a guarantee is wanting, and the tenant is left comparatively defenceless, unless he chooses to have recourse to agrarianism as his only safeguard. In the one case an *imperium in imperio* is created with all but controlling power; in the other there is no such salutary check, and any check there is is feeble or bad; and the result is that the general law is much less impeded in working injustice. Yet it is not to be denied that even here the mischief of law being opposed to fact has now and then made itself evident; that custom has not always succeeded in upholding the fair rights of the tenant; and that Londonderry has a land question, and one, too, that may become serious. I have heard of more than one clear instance in which purchasers in the Landed Estates Court have even directly invaded the Tenant Right that existed for ages upon the lands; at this moment there is much apprehension that, in the case of a very large estate about to be brought before that tribunal, a similar course will be pursued, and I am inclined to think that a general tendency to abridge the Right gradually may be noticed. The results, though not the same in degree, resemble in kind those witnessed in the South, after any act of landlord oppression, or any unfair exercise of landlord privileges. A sense of insecurity is diffused over even a very considerable district; complaints of grievances are loudly urged; and a gentleman of great experience told me that

though agrarian crime was unknown in this county, and tenant farmers properly trusted to public opinion to maintain their rights, they had more sympathy with the agrarianism of the South, and certainly with the claims of the Southern peasantry, than a stranger would suspect or imagine. In fact, he said, but for their religious discords, North and South would readily coalesce in a general movement for Tenant Right, and such a coalition may not be far distant.

For all these reasons it seems impossible that the Tenant Right which exists in this county, involving as it does great rights of property yet ill-defined, and depending on custom only, without the sanction of general law, can be allowed to continue in its present condition. How to deal with this singular interest in the soil, of vast importance, but difficult to value, and Protean in its numerous forms, is certainly a perplexing problem. I asked several farmers, landlords, and agents whether they thought the Right, according to its worth, could be commuted into definite terms, of varying duration, secured by leases, and whether this would be deemed satisfactory. In Fermanagh the answers were all one way; in Londonderry, where Tenant Right has absorbed a much greater amount of capital, they were so conflicting that I have not been able even to guess the tendency of general opinion.

CHAPTER XXIV.

Belfast, November 27.

THE railway from Londonderry to Coleraine skirts the shores of Lough Foyle for a considerable distance and runs along a narrow belt of land at the foot of ranges that at one time were evidently cliffs that overlooked the sea. Here, as at many points on the coast of England, the gradual receding of the waters has left a tract open to the industry of man, and farms and enclosures, with villages between, rise on spots that had once been wastes of the ocean. The husbandry along these reclaimed spaces, though good on the whole, was not remarkable, and certainly would not bear comparison with that of the Lincolnshire Fens—a district not altogether dissimilar. Before reaching Coleraine we lost sight of the sea, and, pointing southwards, made for the borderland that, watered by the stream of the Bann, the great boundary between Eastern and Western Ulster, divides the counties of Londonderry and Antrim. We soon passed into a pleasant country of low eminences and undulating plains. This seems rather a feature of Ulster; and the landscape began by degrees to improve and to wear a rich and more fruitful aspect as we advanced further into the interior. I saw very few country seats; but, in several places, extensive fields, clean-cut hedgerows, and fine steadings showed that the land had been thrown into large farms, and here and there small tracts reminded you of the agriculture general in the Scottish Lowlands. This was, in a special manner, the case in the

neighbourhood of one or two of the thriving towns which we sped by rapidly on our way; the diffusion of capital from these centres has evidently had the effect in some measure of breaking up the system of petty holdings. Yet seven-eighths of the country, probably, I went through is still held in this way; and, though I saw many ill-drained fields, and irregular fences were conspicuous, the farming was, on the whole, good, and neat dwellings, well whitewashed walls, and, occasionally, trim plots and gardens marked the presence of a flourishing peasantry. Arthur Young, the advocate of the large-farm school, condemned in emphatic terms the agriculture of this part of Ulster in his time; but probably even that candid writer was not altogether free from prejudice; nor can it be doubted that it has not only improved enormously since his day, but that it is still one of the mainsprings of the comparative opulence of the province. After passing through many miles of this scenery, we came once more on the line of the sea, and, hurrying along a tract covered with villas, and other evidences of wealth, between Belfast Lough and the ridge of Divis, we were soon within the capital of Ulster.

Belfast, the centre of the linen trade of Ulster, and the chief place for the export of the manufacture, is the most flourishing town I have seen in Ireland. Dublin, half a capital and half a seat of commerce, has a magnificent yet rather a slovenly appearance; Cork has a look of long-settled wealth, but not of daring and brilliant industry. Compared with either, Belfast is what Glasgow and Greenock are to Edinburgh, what Leeds and Birmingham are to Bristol—a spot where new wealth and enterprise have rapidly made a noble creation, and are eclipsing the more stationary growths of older and more slow civilization. The town, built on the banks of the Lagan, where it opens into its fine estuary, was possibly of very ancient

origin, but it owes its first rise to a Huguenot colony, which, after the revocation of the Edict of Nantes, planted on what was then a desolate morass the germs of a manufacture that had thriven in their hands along the slopes of the Loire and the Seine. Yet the settlement of the exiles was not very successful; and Belfast in the days of Arthur Young was a town of some 15,000 souls only, which, though known for its linen fabrics, and already possessing an increasing trade, was probably not a third of the size of Cork. A circumstance not without interest to a student of the Land Question of Ireland is said to have afterwards given a sudden impulse to the prosperity of the place, and to have launched it upon the path of progress. Belfast had previously been under the tutelage of the Donegal family, but towards the close of the last century it was emancipated from the restraints of short leases, the Lord Donegal of that generation having granted a number of perpetuities, and what hitherto had been a mere county town grew speedily into the capital of a province. The rest was done by the gradual concentration of the linen manufacture into a few spots, and by the improvements made in machinery; and at present Belfast is not only the second city in Ireland in population, but it excels all the cities of the island in the signs of flourishing wealth and industry. The architecture of the houses in the principal streets is particularly good, and even attractive; the marts and shops are well laid out and gay; and the busy haunts of the citizens' toil lead to retired terraces and villas, occasionally admirably planned and decorated. The chief features of Belfast, however, are the rows of shipping that throng the quays, and the chimneys soaring from the factories below—the material proofs of the energy and skill that have given the place its deserved renown. A few of the churches are not without beauty; but you miss, as usually is the case in these

modern centres of civilized life, the glory of the mediæval city, the spire, high above the square massive tower, and commanding the landscape on every side.

Belfast is situate on the confines of the noble counties of Antrim and Down, which, almost separated into a distinct county by Lough Neagh and the line of the Bann, form the eastern division of the province of Ulster. This magnificent tract, in ancient times the land of the O'Neills and other Celtic tribes, was subjugated and came under the power of the Crown in the reigns of Elizabeth and James I., Down having been colonized under the first sovereign and Antrim under her Scottish successor. In both instances English and Scottish settlers took possession of the conquered territory, the Plantation, however, effected by James being more methodical and regular, —in proof of which it has been alleged that the Ulster custom of land tenure is more distinctly marked in Antrim than in Down, though I have not been able to trace a difference,—and in both, accordingly, society grew up in a great degree upon the same type as it has done in Fermanagh and Londonderry. In Antrim and Down the invading colonists became a class of proprietors and occupiers, established in the land as landlords and tenants. They have shaped the fortunes of the whole community, and here, as elsewhere, they gradually extended to the vanquished aboriginal race the benefits of the kindly usages which had been formed in their mutual relations. The result has been considerable social progress, the diffusion of civilization and wealth, and, with rare exceptions, general tranquillity. The domination of Protestant ascendency, though as evident here as in the South of Ireland, has been less pernicious in its effects; and industry, comparatively protected and secure, has reaped successfully its accumulated harvests, and covered the land with the signs of prosperity. In one particular Antrim

and Down are to be distinguished from the rest of the province—they are the Lancashire and Yorkshire of Ireland; in these parts of the island alone manufactures have really thriven and expanded. This potent influence has, of course, had an effect on the agriculture of the counties, which in some places is exceedingly fine; yet, strange to say, that effect has not corresponded to what has occurred in England. Manufacturing capital has only slightly disturbed the system of small-farm husbandry which still prevails in Antrim and Down, and though it has led to the creation of some large farms, its principal operation, as yet, has been to cause the prices of small holdings, protected by the custom of Ulster, to rise considerably through the growth of general opulence. As might have been expected, Antrim and Down are in a special manner progressive counties; the agricultural area of both has enlarged, unlike what has usually happened in Ireland, and the value of their live stock has been greatly augmented; and this, too, coincides with a decline of population exceedingly small, if both the counties are taken together, and with a system of relatively small farms, though, for obvious reasons, I do not lay much stress on the fact in these instances. The wages of agricultural labour, as was to be supposed, are high in these counties—say from 7*s.* to 10*s.* a week; and the rent of land, if we consider only the return that accrues to the landlord and exclude the potential burden of the Tenant Right, appeared to me to be at a low average—say from 15*s.* to 40*s.* the Irish acre. It may be observed that in these counties, regard being had to their great progress, rents have advanced comparatively less since the days of Arthur Young than they have in many other parts of the island; and the same observation, as far as I can judge, applies to most of the districts of Ulster. It is possible that this slow increase is connected with the usage of

Tenant Right, which to some extent fastens a second rent on land, though it is surprising how much less the effect of the usage in this respect is than pure political economy would conceive; and, as I have pointed out, Tenant Right, where the ordinary mode of tenure is at will, may have the effect of raising rent by its direct tendency to quiet possession.

The land system of Antrim and Down, considered on the side of the occupiers only, resembles that of Fermanagh and Londonderry, and, indeed, of almost the whole of Ulster. Exactly as is the case in the South, the tenancies are, for the most part, at will, and, with honourable exceptions, what has been done on the land has been done by the tenants, not by their lords; but, differing from the South, a powerful custom assures usually the tenant's claims, and gives him a real interest in his holding, entirely distinct from the precarious possession, depending mainly upon acquiescence, which alone protects the tenant of the South, apart from agrarian terrorism and crime, considerable as may be his moral rights. It is, however, perhaps a distinctive feature of the land system of Antrim and Down, that, in consequence probably of their comparative wealth, the average value of the Tenant Right in these counties is exceedingly great; it is seldom less than seven or eight years' rent, and I have heard of instances in which it has risen to twenty and twenty-five years' rent—from 30*l.* to 40*l.* the Irish acre. Yet though the Right has thus encroached on the fee-simple in this serious manner, and has eaten it out in several estates, whatever their owners may imagine, here, as elsewhere, landlords as a rule endeavour to set restrictions on it, and, notwithstanding its enormous value, I am disposed to think that the general tendency of society is to impair and curtail it. Nevertheless, the custom is still extremely strong; and, in spite of the extraordinary

confusion of interests in the ownership of land which is its result, and of the misunderstandings, jars, and conflicts which we might suppose would flow from this, it still practically works tolerably well; still, in an overwhelming majority of instances, has all the force of a local law; still usually gives the tenant security, and usually maintains his fair rights of property. I proceed to add something to previous remarks on the Right sustained by this singular custom, which, as I have said, corresponds closely with the unprotected equities of the tenant of the South, in nature, characteristics, and existing status. Even when the Right is not actually infringed, the circumstance that it is not sanctioned by law has a marked effect on landed relations, and, if it gives the tenant security, it also tends to make him somewhat dependent. Law being wholly on the side of the landlord, it being in his power, in a legal point of view, to abridge and even extinguish the Right, the tenant, however protected by the custom and however naturally resolute and bold, feels that he is in some measure at the mercy of his superior; and this sentiment increases in proportion to the interest assured by the Right in his holding. A man who had paid 20*l.* an acre for a farm legally a mere tenancy-at-will has bound himself in a heavy recognizance to obey the injunctions of a landlord who can, if he pleases, destroy his property; he is pledged more or less to submission from the consciousness of what authority may inflict. And though the custom is strong enough to secure the tenant in the great mass of cases, and though it has made him a free man compared to his fellow in the South, it does not save him from this sense of subjection; and Tenant Right, unrecognized by law, has been found to have been a powerful instrument to uphold landlordism and aristocratic influence. This has repeatedly been shown in elections and other political

contests; and though I would not exaggerate the matter, for the legitimate power of landed property is still exceedingly great in Ulster, and the position of the tenant farmer of the North is not that of a mere dependant, it may be said that Tenant Right, as it is, not under the sovereign protection of the State, has affected thousands of Ulster votes.

It is obvious, too, that Tenant Right in its existing state contains the germs of serious and even perilous dissension, though the custom usually prevents their appearance. A landlord, influenced by the law and his interests, is apt to consider the Right as a parasite from which his estate ought to be set free; a tenant, looking from an opposite point of view, thinks of the Right as of a most sacred property—in all respects a part ownership in the soil. Their notions accordingly may conflict, and law being on the side of the landlord he is tempted to carry out his ideas, and to assail or weaken the tenant's position, though, as I have said, as a general rule, the custom prevents injustice or discord. Occasionally, however, some wrong-headed person will violate even directly the usage; and, I am sorry to say, I have been informed of instances within Antrim and Down in which Tenant Right has been practically annulled, by a raising of rent inconsistent with it, or by eviction without compensation. When such cases occur, the serious mischief of leaving the Right in its actual condition becomes strikingly and painfully apparent. The tenant's property is inevitably confiscated, for his Right—which, in the opinion of the country, is an interest of a valuable kind, and, in numberless instances, has been made a subject of lawful disposition—is destroyed by a perversion of law; and all the improvements he may have added to the land, which the Right alone, as a rule, protects, are lost in the general disaster. Such a proceeding in truth is almost worse

than anything that can occur in the South, inasmuch as the rights of the Northern tenant exceed usually those of his Southern fellow, and if, fortunately, agrarian crime has not followed in recent times, this is because such doings are so rare, and general opinion so condemns them, that that evil influence has not been developed. Moreover, two or three cases of this kind, nay, even the rumours of such cases, have the effect of creating great discontent; and had I not witnessed such things in the South, I should have been surprised at the evidences I have met of dissatisfaction among Northern farmers who actually had little or nothing to complain of, yet felt themselves injured because the Tenant Right of some distant equal may have been invaded. Not a few of these cool, hard-headed men have declared to me that they felt insecure, that their Tenant Right was an inadequate protection, that they too, had a real grievance, and differing as the great majority do from the corresponding class in the South, they sympathize with them on the land question. Nay, though agrarianism is unknown among them, they have, I think, a kind of idea that indirectly they profit by it; nor can it be forgotten, with reference to this, that this part of Ulster has been the scene of one of the worst outbreaks of agrarian crime that ever has been witnessed in Ireland. A direct violation of Tenant Right caused the 'Hearts of Oak' and the 'Hearts of Steel' to spring up in hundreds in Antrim and Down; and many competent persons have declared that the spirit then roused could be awakened again.

It is evident, therefore, that Tenant Right, the grand security of the tenant of Ulster, cannot be allowed to remain as it is, repudiated by law and upheld only by strong yet not invincible custom, and that to do so would be fraught with mischief. How to reconcile the claims created by the Right with the maintenance of

the just rights of ownership will certainly be a not easy task. One obvious solution would be to empower the occupiers of estates bound by the Right to purchase the absolute fee-simple, and the experiment might be fairly tried in cases where it could be carried out by mutual agreement between the parties interested; but as it would be unjust in the extreme to make such a proceeding compulsory, the remedy could be only partial, and one more general must be devised. A reformer's choice will, perhaps, be found to rest ultimately between two alternatives. Following out boldly the analogy suggested by the judicial legislation of the Plantagenets, he might assimilate estates bound by the Right to manors subject to copyhold tenures, and he might declare that, wherever the Right existed, a tenant should be entitled to hold his land according to the conditions of the custom. This, it will be observed, would amount only to a distinct legal recognition of the custom, and would have no analogy to 'fixity of tenure' or schemes of a violent kind; it would restrict the dominion of the landlord only where usage and justice restrict it now; and it would leave him the right of raising rent and of evicting a tenant besides, save only where the custom now intervenes. It may, however, perhaps be urged that this scheme would generally be too advantageous to the tenant, for it would give the sanction of positive law to claims now very differently upheld; and, as the custom is very varying, and, possibly, is on the whole declining, it might involve perplexing enquiries, and in some cases might prove very detrimental to the tenant's interests. The second alternative would be to commute, after a full and impartial investigation, the value of the Right into leases for terms equivalent to its worth, thus, in part, following the copyhold analogy, yet gradually getting rid of the custom, and bringing the land under common law tenures.

This scheme is also liable to objections; and I am bound to say that, although in Fermanagh, where the value of the Tenant Right is not great, I found opinions concur in its favour, it was otherwise in Londonderry, Down, and Antrim, where the value of the Tenant Right is sometimes enormous. In Down and Antrim several farmers assured me that they would not exchange their Tenant Right for a lease less than a perpetuity in substance; and if you reflect that these men felt that they had an interest in their holdings that would sell for, perhaps, twenty years' purchase, their pretensions are not wholly extravagant, even though they will say that the force of the custom does not give them complete security.

The land system of Down and Antrim, and, indeed, of the greater part of Ulster, considered upon the side of ownership, corresponds in most important points with that of the other three provinces. The owners are for the most part Protestants; a good deal of absenteeism exists, and, with considerable and brilliant exceptions, the improvements effected upon the soil, as is natural under the small-farm system, have been made by the tenants, not the landlords. This state of things has not been altogether unattended by mischief, but, owing to the existence of Tenant Right and the moral sympathy that still knits the landed classes largely together, this has been little to what is to be found in the South. No all-spreading line of demarcation runs between the owners and occupiers of the soil; there is little perilous clashing of interests; and though Tenant Right is not thought secure, and a land question has grown up, there is an absence of grave social disorder, and landed property still has immense influence. In one particular I have been struck by a distinction of no little significance. In going through the North I heard some complaints of a preference shown to Protestant tenants as such compared to Roman Catho-

lics; but this did not seem to provoke the irritation that a few similar instances did in the South. Nor is the reason difficult to discover. As a rule the Roman Catholic tenant of Ulster has precisely the same customary rights in point of tenure as his Protestant fellow, and this very circumstance largely excuses what is usually a mere social predilection, felt to be in some measure reasonable. In the second place, what is more important, the Roman Catholic tenant of the North knows that he belongs to an order inferior in power; and he does not resent any slight as keenly as his equal in the rest of Ireland does, where Catholicism predominates among the occupiers of the soil. Just in the same way, the Roman Catholics of England are not really hostile to the English Church; the Irish Roman Catholics united to a man to overthrow the Irish Establishment.

CHAPTER XXV.

Dublin, December 7.

I HAVE now visited the four provinces of Ireland, and, adopting a metaphor I have used before, I have reached a point at which, as if from a height, I ought to be able to see clearly the country which I have tried to survey, and to take a comprehensive view of it. Yet, before I endeavour to examine minutely the Land System of Ireland as a whole, and to draw out an elaborate account of it, I wish, as I did in the case of the South, to indicate certain broad conclusions suggested to my mind during the too brief period I have been able to allot to a tour in the North. As I have seen the best counties of Ulster only, and my stay in the province has been short, I cannot pretend to be as well informed respecting that great division of Ireland as I believe I have been respecting its fellows; nor can I expect that my reflections on it will as nearly approach a fair standard of truth. Yet increasing familiarity with a subject may supply the want of long observation. I have spared no pains while I was in Ulster to enquire about its general condition, and what I have to say, however incomplete, may, perhaps, be not altogether fruitless with reference to the Land Question of Ireland.

The counties of Ulster I have visited are included in the famous 'Plantation,' or in an earlier settlement in the reign of Elizabeth. The distinctive characteristic common to all is that colonies of English and Scottish origin established themselves in this part of the country,

framed the order of society existing in it, educed civilization out of wild anarchy, and vindicated for the conquered native race the usages connected with land which at first they devised for their own benefit. Looking broadly at the state of this favoured region, I should say that, compared with the rest of Ireland, it is one of great material prosperity, and of general social tranquillity and peace, apart from the sectarian discords still too prevalent among the lower orders. I have been, it is true, somewhat disappointed with the agriculture of this part of Ulster; though good on the whole, it seldom reaches an extraordinary degree of excellence; and over wide districts it does not approach the character of that of the best counties of England. Even in Antrim and Down I saw whole tracts that required drainage and cried out for improvement; the landscape in numberless places seemed 'crumpled up,' so to speak, by big wasteful fences; extensive farms, in which large capital had been boldly sunk, were not frequent; and the soil often looked as though the wealth of the province had not thoroughly reached it. Yet, contrasted with the South, and taking broad areas, this portion of the North is much better cultivated; and if its husbandry is not perfect, a stranger cannot fail to admire one striking feature in its social system. Notwithstanding certain opposing influences, the peasantry of these divisions of Ulster are a singularly bold and self-reliant race, not equal, perhaps, in mere appearance to the peasantry of some of the Southern counties, but evidently more independent and free; and, though doubtless the small farms they have held during successive generations are not the best development of agricultural skill, they have reared a sturdy and fine breed of men, who, if not opulent, are reasonably well off, and who, if not altogether free from discontent, are nevertheless of the stuff that makes good subjects. As

regards the humbler tillers of the soil, they are in a somewhat better position than in the South, though not so much as I had supposed, the wages of the agricultural labourer being from one to three shillings a week higher; yet the condition of the agricultural labourer is certainly not, in any sense, unprosperous, though it has relatively advanced more rapidly elsewhere. As for the rent of land in this part of the province, I thought it decidedly on a low average, excluding the charge of Tenant Right; I heard hardly a single complaint of rack-renting; and the appearance of the land, usually in good heart, and very seldom worn out or exhausted, confirms strongly my conclusion on this point.

The social condition of this part of Ulster is comparatively sound. It is true that fierce animosities of creed still divide the races that occupy the soil, that the Anglo-Scottish and Protestant peasantry, and their Roman Catholic Celtic fellows, still form separate and half-hostile castes, and that names that elsewhere have lost their significance are for them incentives of passionate discord. It is true, also, that elements of contention lurk in the relations between the landed classes, and now and then make themselves apparent, and that in some places the holders of land are not satisfied with their position, and complain of it in no measured language. Nor can it be denied that, considered in the abstract, and apart from peculiar local circumstances, the land system of this part of Ireland resembles too closely that of the South, the vices of which are so manifest. Protestant ascendency is written, so to speak, on the land, its ownership, with only few exceptions, being almost confined to one sect, and the cold shadow of absenteeism falls with evil effect on whole districts. Here, too, as elsewhere, in point of law, the tenure of the occupier is usually at will; and as what has been done for the land has been for the most

part done by the tenant, here, as elsewhere, it would seem as if facilities are afforded for gross wrong, and it might be expected that distrust and dislike would too often keep landlord and tenant apart. Yet, speaking broadly, society in this region, notwithstanding occasional angry disturbance, is firmly established and expands prosperously, and social progress advances steadily with the growth of a flourishing community. Landed property, not, as in the rest of Ireland, assailed by numerous opposing influences, enjoys vast and, in part, most legitimate power; it still performs its proper functions, and is still of real advantage to the State. As a general rule, goodwill and confidence prevail in the great relation out of which the existing order of things has been formed by degrees, and on which it rests. With rare exceptions the landlord class acknowledges the rights which, in the course of time, their dependents have acquired in the soil; the tenant class, in turn, for the most part, do not encroach on their superiors' rights; and though causes of disagreement may exist, society has not yet been convulsed by them. The broad result is that this harmony has concealed or remedied in a great measure what is defective in the existing land system; that usage, sanctioned by general consent, has practically given the occupier of the soil a security he does not possess elsewhere; that industry has thus been encouraged and protected, and has gradually developed noble fruits in accumulated property and wealth; that the sentiments of the landed classes are usually kindly towards each other; and that their mutual rights are placed under the shield of a sound public opinion. This last circumstance, even if it stood alone, would distinguish plainly the landed relations of this part of Ulster from those of the South. The Conservative and Liberal press of the North would unite in denouncing any infringement of the just claims or rights of a tenant

in a case worthy of real censure. The same fellow-feeling would not, I think, be found in any other province of Ireland.

That community in religion and origin, between the classes which fashioned the type of society in this part of Ulster, contributed largely to this state of things, is a matter that does not admit of question. It is equally certain that the result is not in any great measure due to the influence of a creed or of race, as such, for it is not possible to draw a marked distinction, in point of industry, capacity, and worth, between the peasantry of this region, whether Anglo-Saxon Protestants or Roman Catholic Celts. The ultimate cause of this prosperity, as I have before remarked, is the goodwill which knit together the ancient colonists who shaped the fortunes of this part of Ireland, and which has expressed itself in the time-honoured usage that affects the system of land tenure. It is interesting to observe the effects of this usage, which practically has charged the ownership of land with a concurrent equity for the behoof of the occupier, where it works steadily and in a harmonious manner. Tenant Right may be fitly compared to a plant which, transferred to an alien clime, might become a troublesome or noxious weed, but which bears goodly and wholesome fruit under kindly influences in a congenial soil. What theoretically seems a confusion of titles, and even a probable source of discord, is converted by the operation of custom into a mode of tenure by which the dominion of a landlord is not ill-reconciled with an all but proprietary right of a tenant, which assures and maintains the just claims of both, and which is found to conduce to goodwill between them. In districts where Tenant Right flourishes, without a suspicion of interruption, landlords usually have very great influence; their rents are invariably well paid, and are guaranteed by the tenant's interest; experience proves

that they are less reduced by the charge on the fee than might be supposed; and a fair use of the rights of property, of course within the limits of the custom, is found to be compatible with the rights of the tenant. On the other hand, in virtue of the hold he has acquired through Tenant Right on the soil, the tenant practically enjoys security; he is not sensible of the worst effects of a tenure legally, usually at will; he is not discouraged from improving his land from an apprehension that an unjust superior will despoil him of the fruits of his industry; he feels reasonably safe and free, and cultivates his farm with a sense of property. By these means what is most faulty in a land system critically far from good is remedied over a very large area; the equity of the tenant in the soil, placed under the protection of respected custom, becomes an effectual support for his industry; and the results appear in increasing wealth, in a gradual accumulation of property, and in comparative tranquillity and order. It has been calculated that a sum of 20,000,000*l.*, representing the capital of many thousands of farmers, rests on the security of this usage, and it will always be a matter of astonishment that one main source of the prosperity of Ulster has never obtained the sanction of law.

Tenant Right, however, in its essential nature, cannot be considered a good arrangement, or a satisfactory form of land tenure. Its inevitable tendency is to confuse rights in an ill-defined partition of interests; and, possibly, under a sounder system the agriculture of this part of Ireland would be better than it is. Ignored by law, and resting on custom only, this singular equity of the tenant of the North gives his superior extraordinary influence that may exceed legitimate bounds, though not so much, perhaps, as might be supposed, and, but for the general good feeling between them, it might be a very apple of

discord, a continual cause of jealousy and wrangling. In truth, it is because security and quiet possession are its usual concomitants that Tenant Right can be said to work well; but, abstractedly, it has no such effects. Its natural operation as the law now stands might be in a contrary direction, and what seem its inherent results flow really from the custom on which it depends, itself originating in local opinion. Moreover, immense as the sums are that Tenant Right now commands in the market, the custom that upholds it is, probably, on the wane; the tendencies of modern society and commerce are against the gracious primitive usage; though still generally held in respect, it is, I think, losing its paramount authority; and I have met instances in which it has been violated, and the Right it supports has been rudely infringed, even in the counties that are its peculiar seat. When occurrences of this kind take place, few and far between as they certainly are, a feeling of irritation and alarm spreads through the occupiers of even whole districts; the vices of the existing land system, concealed before, are suddenly disclosed; complaints are made that the sacred usage on which the property of Ulster rests is being invaded and sapped away; opinion discovers numerous grievances that may not really exist at all; and confidence in the certainty of possession is impaired, perhaps, over a considerable area. The result is that even in this region, happy as it is in its landed relations compared with most other parts of Ireland, a sentiment of dissatisfaction with the existing arrangements of land may be traced; a land question has developed itself, and a feeling of uneasiness that might become serious lurks under the peaceful face of society. This state of things cannot remain as it is; and, as I have said, legislation must in some manner vindicate the rights that, under the custom of Ulster, exist for the occupier of the soil beyond his legal tenure. Nor can landlords

reasonably complain if they find that law, in protecting these rights, must interfere to a certain extent with the legal ownership which they have theoretically, but which practically they have more or less ceded, and the encroachment on which, through the tenant's equity, must in some degree be ascribed to themselves. For, as I have remarked in previous letters, when commenting on the imperfect Tenant Right of the South, this equity, however it may have originated, could hardly, in the progress of society, have received the sanction of inveterate usage, affecting estates over whole counties, if tenants could have found easy and safe investments for their surplus capital, and if, moreover, they could have obtained security of tenure without Tenant Right, under a good system of liberal leases; and as in Ulster, as in the South, the mode of tenure is usually at will, the owners of the soil must, in some measure, be held responsible for the extreme prevalence of a custom that, in different degrees, detracts from their absolute dominion.

It remains to add that the land system of Ulster is not everywhere the same, and that the social state of the province varies a good deal in different parts of it. Excepting Down, the non-Plantation are distinguishable from the Plantation counties, and even in these considerable distinctions are perceptible in a number of districts. The centre of the province, and the north-eastern seaboard, were the chief seats of the colonists' power; and here, accordingly, society was established most firmly on its present foundations, here the settlers became most plainly dominant, here the aboriginal race was most readily assimilated to the type of the new community. In this region the strife resulting from conquest ceased at a comparatively early period; the worst elements of disorder were soon quelled; civilization obtained a favourable start, which ever since it has successfully

maintained; and the usages connected with the tenure of land, which have made the custom of Ulster famous, were developed most fully, and, it is said, have to this day taken root most deeply. Beyond this Pale, in Monaghan, in Lower Cavan, in a part of Armagh, and in the Donegal highlands the ascendency of the settlers was less complete; the feud between the conquerors and conquered continued to a later age, and society thus made less progress, disorder has always been more rife, Tenant Right is less thoroughly sustained by usage; the general character of the land system more nearly approaches that of the South, and evictions and clearances have been less uncommon. It should be observed, too, that in this last-named region agrarianism has often made its appearance, and to this day it is less prosperous, and in parts is more subject to social disturbance than the more fully colonized divisions of Ulster. Nevertheless, Tenant Right in different degrees of efficacy may be said to prevail throughout the province, all-powerful here, rather feeble there; and thence, like seed scattered by the winds, its germs have spread to parts of the South, especially to the midland counties, where, it may be observed, English blood abounds, and have been crudely developed in certain districts. The imperfect Tenant Right of the South, however, differs seemingly from that of the North in this—that the one, as a rule, is seldom acquiesced in until the land shall have actually passed to a purchaser for valuable consideration; the other is a vested interest in a tenant, in whatever manner he obtains his holding, which he may dispose of under known restrictions. At bottom, however, the only difference is probably that in the one case the right of the tenant rests on connivance, in the other it is defended by custom. In both instances what really happens in selling the interest is, for the most part, the same.

I have now completed the first part of the responsible task committed to my hands. I have investigated the Land Question of Ireland by enquiry and observation on the spot in the course of a tour of some length, and, by visiting all the provinces of the island, I have endeavoured to make the information I have collected as full as possible. My object has been to put together facts, and to supply to your readers materials of thought rather than to express my own opinions; yet, as was to be expected, I have not abstained from commenting sometimes on evidence before me. The reports I have sent you have had only the elucidation of truth in view, without reference to any peculiar theory. I shall not dwell on the pains I have taken to make them accurate and trustworthy; suffice it to say that in no instance have I made a statement or drawn an inference without reasonably adequate proof. For two reasons, during this enquiry, I have referred a good deal to the material condition, the external features, and the scenery of Ireland, to its ethnological and sectarian divisions, and to the historical facts especially connected with the settlement of the land of the island. For—and this is remarkably seen in Ireland—these particulars, in the first place, enter into the land system of every country, and are necessarily closely associated with it; and, in the second place, I wished to indicate what formidable and long-standing problems are identified with the Irish Land Question, and how idle it is to imagine that any effort of legislation will speedily solve them all. I shall review, in the second part of this series, the Land System of Ireland as a whole, shall consider the causes that have made it what it is, shall notice certain features in it that seem to deserve peculiar attention, shall briefly examine different schemes that have been put forward for its amendment, and shall indicate the reform that, in my judgment, will best meet the exigencies of the case.

CHAPTER XXVI.

December 20.

My tour through Ireland having been completed, I proceed to examine in detail the land system of the country as a whole, according to the plan I have before laid down. The first question that presents itself is how that system is, as it were, expressed in the material condition of the island, and in the state of its landed classes, which will be fairly answered by noticing briefly the resources and position of the Irish nation.

In former letters I expressed an opinion, founded on enquiry and observation, that the material progress of Ireland had been considerable since the famine period, and that the country enjoyed at present a fair portion of material prosperity. The elaborate returns prepared for the Government confirm a conclusion resisted only by unreasoning partisan violence. It cannot be doubted that in the last twenty-five years the wealth of Ireland has greatly increased, that her main industry has been much improved, that many obstacles to her advancement have vanished, that a change for the better has been felt by all orders and ranks of the people. However fallacious statistics may be, the proof of this is, I think, decisive. The superficial area of Ireland is, in round numbers, 21,000,000 acres, and though a fifth of these even now are waste, more than 2,000,000 acres have been reclaimed and enclosed since 1841. If the breadth of land devoted to tillage has not extended since that time, and has even contracted within the last few years,

there is reason to believe that farming of all kinds is more profitable than it ever has been, and it is certain that the staple produce of the country has been immensely developed. The value of the live stock of Ireland was estimated in 1841 at rather more than 21,000,000*l.*; in 1861, at the same rates of price, it had advanced to nearly 33,500,000*l.*; and it has been calculated that, at current prices, it would have exceeded 45,000,000*l.* Simultaneously, a decided progress in the opulence of the country has become manifest, and all classes have had a share in it. The rental of Ireland was probably not 12,000,000*l.* in 1841, and was often liable to great reductions; it is now not less than 15,000,000*l.*, is relatively a less burden than it was, and is as well paid as that of England or Scotland. In 1845 the Devon Commission could only report that the 'large farmers' were 'tolerably' well off, and that the 'small farmers' were 'in a very wretched' state; at this moment it has been supposed that the accumulated savings of these classes amount to 20,000,000*l.*, and as a rule, except the very smallest holders, they are in reasonably easy circumstances. As for the agricultural labourers, who, in five-sixths of the country, were in a state of abject destitution, unparalleled, perhaps, in any other part of Europe, eking out existence on 4*s.* a week, their wages have very nearly doubled; and if they are still too poor in some districts, they are not on the whole in a bad condition. The face of the country fully attests this general progress of the landed classes; the agriculture of Ireland, though still backward and very imperfect in many districts, is, nevertheless, a great deal better than it was when the Devon Commission described it as 'in the highest degree defective'; and the exertions of not a few landlords who, since the events of 1846, have devoted themselves to their estates, have contributed largely to this

change. It should be added that every statistical test—investments in Government Stock and railways, returns of probate and legacy duties, deposits in banks and their circulation—shows that this improvement has been universal and has pervaded the whole nation; but I shall notice two proofs only, which seem to me especially remarkable. The habitations of the better class in Ireland were only 304,264 in number in 1841; twenty years afterwards they were more than 416,000; and, though the population within this period declined from more than 8,000,000 to 5,790,000 souls, the consumption of almost every article that forms a luxury for the humbler classes has increased in an extraordinary manner.

I shall not try to decide to what extent this general progress is to be ascribed to the ordinary growth of society; to the increased prosperity of England and Scotland, in which Ireland has necessarily shared; to the numerous yet ill-explained agencies by which, during the last twenty years, the wealth of Europe has been augmented. It may be affirmed that two special causes have contributed greatly to the result. Before the events of 1846 two millions and a half of the Irish people were in a state of abject wretchedness, and it is difficult to calculate what a burden this mass was on the energies of the nation—how it checked and interfered with its industry, how it retarded its social improvement. It is nothing to the point that the resources of the country might, if well developed, have made these millions useful; in its actual condition they were an incubus on it, the mischief of which was great and lamentable. In addition to this, thirty years ago, a very large portion of the land of Ireland, in consequence of the embarrassments of its owners and of the complication of middleman tenures, had become practically withdrawn from commerce, and in this way vast tracts in each province were consigned to

pauperism, neglect, and barrenness. The immense emigration that followed the famine got rid finally of the redundant population, and legislation, culminating in the Landed Estates Acts, threw insolvent estates into the market wholesale, and almost extinguished the evil of middlemen; and though, as usually happens in social changes, the result was not unattended by mischiefs, in some respects of a serious kind, the preponderance of good is not questionable. I cannot doubt, although probably emigration has overpassed the limits at which it has been a benefit to Ireland, and though the small purchasers in the Landed Estates Court have not seldom proved harsh landlords, that the progress of the country in this generation must be attributed in no slight degree to the lessening of the dead weight of poverty which hung on it in a ruinous way, and to the emancipation of a large part of the soil from what practically was the worst kind of mortmain. This revolution, more than anything else, has improved the condition of the Irish labourer, has freed the land from swarms of paupers beneath the status of even the smallest farmer, has attracted the capital to the soil, has quickened and fed the springs of industry, and has contributed to the advance of opulence.

Yet, though the general progress of Ireland has been considerable since 1841, there are some indications of a movement the other way which require attention, and it is certain that within the last few years the advance of the nation has not been great. All over the country the inland towns, with hardly an exception, seem declining; and great as has been the increase of its wealth, especially of its chief produce, live stock, the agricultural area of Ireland has diminished about 140,000 acres between 1855 and 1868, while there has been a slight addition to the ranks of pauperism. It would seem, too, that the

prosperous change which became marked about 1850 has by degrees been losing its force; the nation has not advanced in wealth as might have been expected since 1860; even in live stock there has not been a decided improvement during the last ten years. It is a remarkable and very interesting fact that the progress which Ireland has made has been most evident in the districts in which the normal type of her main industry has been least broken up or disturbed. The exodus of her pauper millions has been accompanied by undoubted good; but the consolidation of small holdings, excluding mere nominal cottier patches, into farms of an extensive kind, has, even in a material point of view, been apparently an economic failure; and districts of rather small farms that have been allowed to thrive in their own way have been more prosperous, taking a long period, than districts marked by great 'clearances.' For proof I shall not appeal to Ulster, where we see an advance of agricultural wealth comparatively rapid, coinciding with a system of small farms that have suffered little change, for other causes affect the result. But an examination of counties that may be fairly compared shows that the resources of Ireland have increased most where the small-farm system has not been invaded, and that they have increased less where there has been an effort to introduce hastily the large-farm system. I shall not repeat the testimony collected in previous letters upon this head; suffice it to say that I have been surprised by it, and that it has carried conviction to my mind; and I refer those who wish to work out the problem in detail for themselves to the Government returns during the last few years. It will be observed that this hardly bears on the question of the relative advantages of small and large farm husbandry; it merely indicates that an attempt to establish the system of large farms in a country previously ill prepared for it

has not hitherto been successful, and that, as might have been expected, districts in which society has not been rudely shaken have thriven under the small-farm system. I must add, as I have before noticed, that an enquiry into the state of different counties points to the conclusion that the decline of the population has been excessive for some time; but the evidence of this is not convincing, and I speak with some doubt upon the subject.

On a fair review of the facts, therefore, we may say that the material progress of Ireland has been great in the last twenty-five years; that it has been inconsiderable since 1860, and that it has been most apparent where the small-farm system—taking the term in a reasonable sense—has continued the ordinary mode of agriculture. Turning now from the visible results to the organization of the land system of Ireland, we find a state of things which, viewed critically, and without regard to mitigating influences, would seem incompatible with any kind of improvement, and which, after making every allowance, must be pronounced injurious to the national welfare and pregnant with social disorder and mischief. A Parliamentary return of 1866 shows that the occupiers of the soil in Ireland are about 609,000, the farming area of the island, including the demesnes of country gentlemen and wastes, being rather more than 20,000,000 acres. We may divide these occupiers into two great classes, which, though blending with each other, should be viewed apart; and though it is only possible to guess at their respective numbers, I believe my estimate is not far from correct. There are nearly 36,000 occupiers, comprising owners cultivating their own lands, with holdings of 50*l.* yearly value and upwards; and these, who, allowing an average of 150 acres to each holding, would engross rather more than one-fourth of the lands of the country, fall properly

into the first class, and may be fairly described as capitalist farmers. The lands in the possession of this class are to be found scattered in every county, but they are most numerous in the neighbourhood of Dublin, of some of the flourishing towns of the North, and in the pastures of Meath, Westmeath, and Limerick, these districts being most favourable either to large-farm husbandry or to extensive grazing. In the case of these capitalist farmers, either the landlords, as a general rule, have made the permanent improvements on the land according to the English and Scottish fashion; or, as usually has happened, the quality of the land is such as requires no such additions; and many, possibly a majority of the class, hold under lease by definite contract. Farms, too, in this category, are comparatively unaffected by the Tenant Right either of the North or the South, being, in truth, too large to attract the competition that would subject them wholly to the custom of Ulster, or would make them readily saleable elsewhere. Speaking generally, therefore, tenants of this kind may be said to hold under what may be called the English system of occupation; their station in life has given them the means of making an independent bargain; they carry on farming as a business, and they have little or no title to those equities in the soil which create for so many Irish tenants an indefinite concurrent interest in it. Excluding this class—not one-sixteenth, it should be remembered, of the whole—the remaining occupiers are about 573,000 in number, and this immense body, which probably holds nearly three-fourths of the lands of the island, forms the second class to which I have referred, and may be designated as peasant farmers. As might have been expected, this mass includes all degrees of rank and social condition, from the flourishing yeoman of Wexford or Down, to the poor one-acre cottier of the West; it runs

into the first class and unites it to the humblest tiller of the soil; it is separated by many shades of difference, yet, setting accidental distinctions aside, the numerous sections into which it is split have generally marked characteristics in common, which associate them in a real identity. In the case of tenancies of this class—rejecting, of course, very great exceptions where a contrary practice has prevailed—the tenants, and not their lords, have made the permanent improvements upon the soil, and, in truth, have given, in thousands of instances, the land its present productive character; the mode of tenure, as a general rule, is not by lease, but at will, determinable by a six months' notice to quit; the holdings where Tenant Right exists are completely within the sphere of its influence, and the occupier, though his legal title is usually precarious, has in numberless cases an equity in the soil, which morally gives him an interest in it, more or less co-ordinate with the rights of the owner. One-fourth, perhaps, of the tenantry of this class may be in a position to deal with their superiors at arm's length; but three-fourths, at least, are a mere peasantry, disabled from the very nature of the case from making a perfectly free contract, and bound to the soil as the source of existence; and the whole class may be said broadly to hold by the Irish system of occupation.

It is deplorable to observe how unequal our law is in dealing with these two classes of tenants. It is a reasonable rule of right for the first; for its principle that whatever is added to land becomes the property of its owner seldom works wrong in cases in which the landlord makes chiefly the permanent improvements; and its rigid doctrine that Grant or Contract can alone create an interest in the fee is not often injurious to a tenant who holds either by lease or by a distinct bargain. But it is iniquitous in the highest degree in the case of tenants by

precarious tenures who have permanently added to the value of their farms, and who, in this way, or through Tenant Right, have acquired an equity in the soil; for, as to these, it repudiates their moral rights, and it exposes them to be summarily destroyed. Instead of declaring, as it ought to do, that such claims create an interest in the freehold in the nature of a lien or an estate, it rejects them altogether from its sphere, and it actually gives the owner of land facilities to extinguish them for his own benefit, to which he is ever tempted to have recourse, as the process adds to his own property. As the law now stands, an Irish landlord has not only the power of appropriating to himself, by the raising of rent or by eviction, what belongs rightfully to his tenants-at-will—the ordinary tenure, it must be borne in mind, of the great body of the peasant farmers,—but he has an apparent interest to do so, for the act of spoliation, in most instances, would have the effect of increasing his rental, or of relieving his estate from a burden. Such a state of law, in truth, considered in the abstract, is, in its application to this immense class of cases, a mere gross inversion of justice; and were it carried out generally, and pushed to its limits, it may be confidently said that it would check all progress, would utterly blight agricultural industry, and would throw society into confusion. Its operation has been happily restrained by usage, humanity, good sense, and forbearance apart from means of another kind; and though its practical mischiefs are real and serious, they fall far short of what they are in theory. In a considerable part of one province in Ireland a custom, still of extraordinary force, protects the equitable rights of the ordinary tenant, secures him usually in his possession of the soil, and in the fruits of his labour deposited in it, and to a great extent overrides the law and nullifies its oppressive injustice. This custom practically has the

effect of vindicating, in an overwhelming majority of instances, the interest of the farmer of the North in his land, though his legal tenure be merely at will; and, whatever may be its defects, it is found accompanied by comparative prosperity and order. In the rest of Ireland no check so powerful exists to mitigate the wrongfulness of the law, and to uphold the moral rights of the peasant farmer; and, consequently, his interests are much less protected, his equities in the soil, in themselves less, are under a much less weighty sanction, and society is more backward and disturbed. Even in this part of the country, however, the law—at least of late years—is not often brought to bear on the tenant harshly; and, setting aside a well-known check on which I shall say a word afterwards, it is tempered by the conscientiousness, the deference to opinion, the kindly feelings, the habitual acquiescence of those who may profit by its abuse. As a matter of fact, the equitable interest of the tenant of the South in his holding is not often unfairly invaded; and the great body of the landlords of the South are a great deal better than the law of the land.

These modifying circumstances have been sufficient to lessen the mischiefs of a bad law, and to make the system of landed tenure prevailing in the greater part of Ireland consistent with a fair amount of progress. Nay, they have been sufficient to cause even whole districts, for the most part occupied under these conditions, to advance as yet more rapidly than districts held under a system more favoured by law, but introduced after much social disturbance. But that the existing relations between the law and what I have called the Irish mode of occupation produce real and immense evil is a matter that does not admit of question. The necessary tendency of this state of things is to retard improvement by exposing the just rights of the tenant to confiscation, and to provoke

discontent in a whole class, the most important certainly in the nation. One of the best proofs of this is that in Ulster, where the law has, in a great degree, been supplanted by the custom that guards the interest of the tenant, we find comparative progress and order; and that, in the case of farms in the class here referred to, you see, as a general rule, throughout Ireland, better cultivation and more comfort wherever the vices of the law have been, to a considerable extent, neutralized by the security afforded by reasonable leases. Unfortunately, too, this system of tenure has, in its operation, had direct results fraught with widespread and alarming evils. Occasionally, even in the North, some unjust or exacting man will make use of the law to infringe the custom that alone maintains the rights of the tenant; and the consequence is not only an act of wrong, but the disturbance of, perhaps, a whole neighbourhood. The iniquities of the law, and the impossibility of resistance, being suddenly revealed, a feeling of irritation runs through those who may equally suffer; a sense of insecurity is widely diffused, and though, owing to the rare occurrence of such cases, society is not permanently affected, the sentiment of dissatisfaction thus evoked is more deeply rooted than might be supposed. In the South, where no potent local usage exists to vindicate the interests of the tenant, the exercise of oppression in the shape of law on the part of the landlords is more common; the effects of such acts, which, though infrequent now, were but too numerous not very long ago, spread alarm and indignation far and wide, and create a general hatred of the law, and we see the result in the state of the country, in the mutual distrust of the landed classes, in the social disorder that abounds, though other causes no doubt co-operate. To this antagonism between law and justice we must, I believe, ascribe the formidable power of the spirit which, in the South of Ireland, has

fashioned a popular law of terrorism to operate as a check on landlords, with which the peasantry generally sympathize. No doubt agrarianism is a deep-seated malady, that may be traced to the historical past; it is a symptom of chronic social disorder, that manifests itself in a variety of forms; but the true secret of its present strength —apart from its more outrageous violence—is a conviction in the hearts of a whole class that the conditions under which they hold their lands are essentially unfair and pregnant with wrong. Unhappily, as I have before shown, should the existing mode of tenure be unreformed, this conviction would probably grow more profound in proportion as the peasantry of Ireland should acquire a greater interest in their holdings, and advance in intelligence and wealth; and were the present law to continue as it is, I think that the agrarian spirit would become more intense, and be quickened by the very prosperity of the people.

It appears, therefore, upon examination, that the ordinary system of tenure in Ireland, however modified by various influences, is, in different degrees, productive of mischief. The law falls in sufficiently well with the interests of a small minority of occupiers, it disregards the interests of the immense majority, and abandons their protection to other expedients. The principle that exposes the tenant-at-will to eviction and the arbitrary raising of rent, and that repudiates his equities in the soil, extensive as these frequently are, sets Law directly at issue with Right, and with the existing facts of society, and it would be simply intolerable if its operation had not been restrained by numberless causes. Its consequences, however, have been deplorable; and however numerous are the ills that at this juncture afflict Ireland, in whatever degree the state of the country may be ascribed directly to agitation, to the lawlessness of an excitable race, to the upheaving of passions long pent up

at the prospect of a social change, however unhappy traditions of the past may be mingled with the land question, the feelings engendered by the conditions of tenure are, in my judgment, the most formidable evil. An effort of the imagination is required to comprehend the sentiments of the peasant who knows that the whole force of law may be used to destroy his rights iniquitously and work his ruin; he will be discontented in proportion to the weakness of the checks that he can successfully oppose; he can never enjoy complete security; and social disturbance inevitably follows. Yet the State still maintains this vicious system; the power—nay, the armed force of Government is employed to vindicate that which sometimes is an exhibition of extreme wrong; and the authority of the Crown is invoked to support what may be acts of mere spoliation. We satirize ourselves if, this being made clear, we complain that the ordinary Irish farmer has no sympathy with our institutions, and that he turns away from our merciful laws; let us, at least, endeavour to do him right, to redress injustice, which we may admit that even our statesmen have been slow to perceive, before we condemn him as bad and incorrigible. The system attended with such results must undergo a thorough reform; in this great matter of Irish tenures, Law and Right must be made to harmonize. It must ever be a subject of regret that the change was not gradually effected, as unquestionably might have been the case, by the gentle process of judicial decisions; that the judges of Ireland did not long ago mould the principles of the law to the usages of the people, and to the real necessities of society, in a country especially requiring the process. That this was not done must be attributed to the fact that,* during the period when our law

* *i.e.* in the last century. Judges in this and the last generation have repeatedly complained of the iniquities of the law, and of their inability to mitigate what had become fixed and settled.

was capable of great judicial development, the Irish Bench represented only the instincts of ascendency and conquest; and in this, as in other things, the Imperial Legislature will be obliged to make good the unhappy shortcomings of the past.

The Land System of Ireland, moreover, examined upon the side of ownership, is not in a satisfactory state. As I have often pointed out, absenteeism prevails to an extent that really is calamitous; many of the largest proprietors are absentees; and in the South a marked religious distinction, associated with an inauspicious past, divides the great body of landlords from the people. I have indicated before the unfortunate consequences which, coupled with a bad system of tenure, may be traced to this condition of affairs,—how when whole tracts are without the influences that gain affection for landed property, it too often becomes an object of dislike; how disunion in creed between landlord and tenant draws a barrier between them difficult to level and too suggestive of ill-omened recollections; how the antagonism in social and political life, in part flowing from this separation, has terminated in the South of Ireland in wresting from property its natural power, and rendering it odious in too many places. I shall not dwell on these topics again, but shall make one remark upon absenteeism, reserved for a last glance at its effects. The great evil of absenteeism is moral, especially in such a country as Ireland, the withdrawal of the presence of the proprieter; but I cannot agree with those who contend that it is absolutely without economic mischief. It is easy to refute the vulgar fallacy that Ireland is at the loss of the whole sum remitted to absentees abroad, that this is simply a drain on her resources. I conceive, however, that, economically, Ireland suffers from absenteeism in this way—that its tendency is to remove to a distance the market for

many Irish commodities which otherwise would find a market at home, and thus to lessen, to some extent, profits; and that it diverts a considerable fund from productive to unproductive employment. I cannot, however, enlarge on this here; and I must leave a subject not exclusively Irish to be discussed in a more regular manner. In the greater part of the North of Ireland, landed property, resting on a social basis very different from that of the other provinces, still fortunately possesses considerable influence, and, notwithstanding some adverse influences, will long maintain its natural authority. As regards the whole system of ownership in Ireland, unsound as it is in too many places, it is obvious that any change in it must be in the strictest sense voluntary, and must fully respect the rights of property. Such a change must be gradual and partial, and can only be thought of as supplemental in any settlement of the land question; yet it may be the duty of real statesmanship, on grounds of high political expediency, to afford facilities for this consummation.

CHAPTER XXVII.

December 31.

HAVING examined the Land System of Ireland in its results, and what I may call its structure, I proceed briefly to consider its causes—that is, the agencies which have given it its present form and general character. The relation of landlord and tenant in England has passed slowly in the course of centuries, by a change so gradual that it is difficult to trace, from that of superior and vassal into that of modern owner and occupier; and while it has not altogether lost its ancient type, it adjusts itself, on the whole, very well to the requirements of a great commercial nation. In this state of things, as a general rule, the tenant is a man of substance, who hires the use of land with a view to profit. The farm he cultivates is usually large, and he has no sense of property in it, because he sinks no capital in it, and does not add to its permanent value; his dealings with his landlord are, for the most part, upon the footing of positive contract, with or without reference to legalized customs; the landlord makes at his own cost the durable improvements the land may require, and the expense of these is not ruinous, the ordinary holdings being extensive. Under these conditions there is no confusion or clashing of mutual rights or interests; law and fact agree in assigning the tenant a mere temporary usufruct according to a definite bargain, and in classifying the landlord as really the owner of the land, and of all accretions to it; there is no cause of

contention between them; and as the landlords, in numberless instances, are associated with their dependents by kindly ties, unbroken perhaps during many generations, and strengthened by common sympathies and tastes, their relations with them are almost always gracious, and, happily for the common weal, they enjoy great and legitimate influence. In a word, in this matter of landed tenure—which, it has been truly said, by a great historian, is one of the best tests of the condition of a nation—as in all parts of her social frame, we see in England the institutions of the past transformed to the uses of the present time, and law reflecting the genius of the people; and the result appears in a union of classes, coexisting with vast gradations of rank, the whole kept together by traditional influences and blended into a general harmony, in a way unparalleled, perhaps, in Europe.

How has it come to pass that, under a system of law and a constitution nominally almost identical, the position of the landed classes in Ireland is in nearly every respect different, and presents a complete and lamentable contrast? Why is it that the greater part of the island is occupied by a poor peasantry, in small farms as tenants-at-will, not in the status of free contractors? How has it happened that, in the case of the immense majority of tenancies in Ireland, their holders have acquired equities in the soil, derogating from freehold ownership and creating concurrent rights in the land, yet utterly unprotected by law, and upheld by other and very different means? How is it that in Ireland, as a general rule, except in the case of large farms, whatever is permanently added to land and permanently increases its value has been the work of the tenant, not of his lord, and that this state of things has become inveterate? What is the reason that, this being so, law has never been accommodated to social facts; that it has failed to distribute the true rights

respectively belonging to the owner and occupier, and to give the occupier legitimate security; and that it has thus operated as an incentive to injustice and wrong, to disorder and crime? Whence is it that the ordinary Irish tenant has a sense of property in the ground he tills quite different from that of the English farmer, which makes him resist attempts to disturb his possession as an intolerable grievance, and which, in the existing state of the law, has led to strife and social disturbance? What is the ultimate source of the agrarian spirit, and the provocative of its present activity? Why is it that the occupiers of the soil in Ireland have been long eager for a great change? Why, in a very great part of the country, is the institution of landed property disliked, assailed by revolutionary passion, with no deep root in popular affection, without its natural authority and influence? Why, in one word, is the Land System of Ireland so full of anomalies and complex mischiefs that, serious as is the evil of touching any settlement which has long continued, a thorough reform is felt to be necessary? It seems advisable to consider these questions, in order to see how deep-seated are the causes which have made the relations between the landed classes of Ireland what they are, and to gain a clear conception of what legislation may hope to accomplish in this matter. Such an enquiry, too, may possibly tend to remove prejudices and to allay discords; to show how little of the ills of Ireland ought to be laid to the charge of the existing generation; to transfer to circumstance responsibilities at present unjustly thrown on classes by ignorance or shortsighted passion.

Some main features of the Land System of Ireland, regarded upon the side of occupation, and some popular feelings connected with it, have been attributed by thoughtful persons to the peculiar genius of the Celtic character, and to the influence of the primitive organiza-

tion once prevalent among the ancient Irish tribes. These writers contend that the small-farm system, the normal type of agriculture in Ireland, is to be traced to the innate tendency of the Celt to subdivision among his family, and that the sentiment of property in their holdings entertained so widely by Irish tenants is due to the fact that under the Sept tenures the clansman was virtually owner of the soil, subject to the claims of his chief as suzerain. As every one at all acquainted with the subject knows that the instinct of the ordinary Irish peasant is to parcel out his possessions among his descendants, and that this holds good as respects his land, and as unquestionably vague ideas of tribal rights not wholly forgotten are still current in some parts of Ireland, this theory is certainly not groundless; nor is it improbable that it will receive strength when the collection of the early laws of Ireland, now in course of publication, shall have been completed. Nevertheless, I believe that general causes, on which I shall say a word afterwards, will account more reasonably for these phenomena, and in proof of this I venture to remark that the very peculiarities in the occupation of land which are supposed to be wholly Celtic are most conspicuous in those parts of Ireland in which the blood of the Celt is least predominant. Small holdings abound in a special manner throughout the Plantation counties of Ulster, the seat of colonies from England and Scotland; and in no other part of Ireland, assuredly, has the occupier of the soil a more settled conviction that he has a title to it of a proprietary kind. This indicates that the Land System of Ireland is not simply an affair of race; and it is better to take the larger view if it falls in more exactly with the facts. I agree, however, with those who think that the manner in which the clan system of Ireland was broken up and destroyed, and the island was overrun and conquered,

accounts in part for the traditional dislike of the institutions and laws of England, and of the existing arrangements of landed property, too evident among the Irish peasantry. Whatever their 'barbarism' may have been, the Irish chiefs were loved by their people, and when they were struck down little care was taken to mitigate the harshness of the domination of strangers. From the days of the Plantagenets to those of the last Stuart, injustice and State-craft conspired to obliterate the forms of life congenial to Irish instincts, and, by a process of wrong not easy to match, the lands of the Sept were involved in the forfeiture that attended the 'treason' of its chieftain. In addition, the island was convulsed for centuries by civil and then by religious wars; a line of separation was unhappily drawn between the English and Irish races; whole tracts were abandoned to anarchic feudalism, and the form of the Monarchy and of the law of England was known only as an alien influence. Society was thus distorted and injured, and the results in some measure explain the lawlessness too common in Ireland and the vague recollections of confiscations in which the people have suffered injustice. Especially I believe that these sentiments are the original source of the agrarian spirit which has manifested itself in a variety of forms since the conquests of Elizabeth and Cromwell, though bad laws connected with land are the chief immediate cause of its modern development. It is a most significant fact that agrarianism has always been most active in districts disturbed for ages by civil strife, and by violent changes in the ownership of land, in which an infusion of Teutonic blood has, without recasting, added fierceness and energy to the character of the Celt.

The Land System of Ireland, however, can be hardly said to have been at all formed until after the Revolution of 1688. That event, which terminated the wars of ages,

and closed the era of conquest in Ireland, made the supremacy of England complete, and placed the settlement of Irish land for the first time on a durable basis. In the provinces of Leinster, Munster, and Connaught, the aristocracy of conquest that for four generations had held a dominion, often precarious and interrupted by wild risings, was rooted with its dependents in the soil on the wrecks of a subjugated people, and the powerful colonies that had been planted in Ulster acquired finally an absolute ascendency. Save where a few Catholic proprietors remained, and a certain number of the dominant caste were scattered as a yeomanry here and there, by far the greater part of the South was thus parcelled out between races divided by every cause of disunion which a different origin, religious dissensions, and centuries of discord could produce, yet united in the close social relation of the ownership and occupation of the soil; and in one province only the promise appeared of a more auspicious order of things. A settlement of property so crude and recent, so marked by violence, harshness, and wrong, was obviously wholly opposite to anything that England had seen since the Norman period, and Sir George Lewis may have been right in thinking that this alone accounts for nearly all that followed. Yet possibly the kindly influences of time, of social intercourse, of habit, of commerce, would before long have mitigated this state of affairs, and have converted the hostile castes in Ireland into not unfriendly landlords and tenants, had not barbarous legislation interfered to arrest and neutralize the healing process. Contemporary politics and opinion may, in part, excuse the Penal Code of Ireland; yet it is not the less true that these execrable laws were the fertile source of enduring mischief. The paramount objects of this Code were to maintain uncontrolled the domination of the Protestant minority in Ireland, to assure to it the per-

petual ownership of the soil, to dissipate the remnant of landed property possessed by Roman Catholic families, and to keep the mass of the Irish people in hopeless thraldom and degradation. This is not the place to examine the means taken to promote these unnatural ends, or to analyze an odious scheme of oppression; but it is necessary for my purpose to glance at the results. The immediate effects of the Penal Code were to keep land artifically out of commerce by confining the right to it to a small class, and thus to maintain the settlement of conquest and the bitter memories associated with it; to create numerous middleman tenures, since Protestants only could possess a freehold, and thus to encourage absenteeism; to sever the aristocracy from their inferiors, and to interpose the worst possible class of landlords, and to fasten the Irish peasantry on the soil in a state of subjection that only aggravated recollections dangerous to the peace of society. The Code in this manner directly caused some of the worst phenomena in the Land System of Ireland; and it may be added that, by preventing the natural and easy alienation of land, it was the ultimate source of those embarrassments that were ended by the Landed Estates Court. Yet the indirect and social effects of the Code were even more calamitous. In the South it erected a firm barrier between the jarring races and creeds which statesmanship should have tried to harmonize; it formed society on the type of ascendency, making the Protestant landlord harsh and oppressive, and the Catholic tenant suspicious and servile; and it proved a curse to both by blighting the growth of the kindly sentiments that would have grown up between them. It must never be forgotten that this system of unmitigated and ruinous injustice continued unchanged until 1778, and was abolished only in the last generation. In Ulster, where society rested on a basis in many respects different,

and the line between the owner and occupier of the soil was not wholly traced by a distinction of creed, the Penal Code was much less injurious.

In this way the Land System of Ireland, considered upon the side of ownership, was distorted into a form of which the character was never completely changed. Disastrous, however, as the Penal Code was, the island was, for the first time, at peace during the first three-fourths of the eighteenth century; and, in spite of many counteracting influences, the effects of order became manifest. Money was accumulated by thrift and industry, though, not to speak of worse impediments, the trade of the nation was unfairly checked, and the land which had been the spoil of war was largely cultivated, enclosed, and improved. The work of building and fencing, of reclaiming and planting, went on during successive generations; and though the squirearchy, as was natural in a class that breathed the poisonous air of ascendency, were too often reckless and worthless, many country gentlemen proved bright exceptions. Many Roman Catholics by degrees emerged from poverty, and ranged themselves on the land beside the Protestant yeomanry, becoming extensive farmers and graziers; and they slowly acquired riches and influence, though they held the soil by an inferior tenure. Society imperceptibly improved; and before long a change of a more important kind began to pass over the nation. Population increased with great rapidity; and Ireland having neither trade nor manufactures, the land which, until after the middle of the century, had been comparatively thinly occupied, and in large farms in very many districts, became insensibly much subdivided. The large Protestant freeholds and Catholic leaseholds were split up, and diminished by degrees; and the peasantry, multiplying upon the soil, too often unhappily in destitution, extended densely over the whole country.

The process was accelerated in the North by the prevalence of the linen manufacture and by certain other special causes; but it was general and distinct throughout Ireland, and the tendency had become irresistible before the eighteenth century closed. The small holders, who now spread over the land, erected on it their humble homes, extended widely the area of husbandry, carried cultivation over hill and plain, and by these means acquired or increased by degrees those equities in the soil which, though not lawworthy, are the natural heritage of the Irish peasantry. Under the domination of the ruling caste, these equities in the South could have no protection save acquiescence and the landlords' consent. In the North they came under the safeguard of the custom founded by the old colonist tenants, and Tenant Right strengthened with the growth of society. It was in this way, I venture to think, that Ireland became a land of small holdings, and that a sense of property in them was implanted in the minds of the peasantry; and since general causes explain the facts, it is safer, perhaps, to rely on them than merely on the instincts and traditions of race, though these undoubtedly co-operated. As might have been supposed, the landlords of those days, especially those of the middleman class, encouraged the processes of subdivision and farming by which their rents were greatly augmented; and society was not generally disturbed by the 'clearances' of a subsequent period. Nevertheless as Ireland then was, oppression and exaction were often inevitable in the relations between landlord and tenant; we read frequently of rack-renting in the South, and even of evicting in some cases; and as the peasantry grew in numbers, whether from the increase of their poverty or of their power, agrarianism, which during many years had been almost a latent disorder, became developed in several counties. It is very remarkable that Burke, who

witnessed the progress of this social revolution, pointed out distinctly the mistake of allowing a peasantry to gain rights in land without adequate protection from law; and his language is all the more striking, because even the small holders of those days had usually the security of short leases, and the vices of the system had not been fully brought out, through the general prevalence of tenancies-at-will.

Such was the form which the Land System of Ireland assumed on the side of occupation. A generation followed in which the country became more prosperous and made progress, yet in which, under the show of improvement, seeds of disorder were sown thickly in the relations between the landed classes. The domination of caste in the South was mitigated to a certain extent by the abolition of the worst of the Penal Laws, by the movement of 1781–2, by the growth of a Roman Catholic middle class, by the advance of knowledge and civilization; and, throughout Ireland, Protestant ascendency lost something of its odious character. Yet those who have studied the events of 1798 know what that ascendancy could still bring forth; and Burke, Adam Smith, and Arthur Young have shown clearly, in different ways, what feelings too often existed between an Irish landlord and his dependents at a time on the verge of this period. Meanwhile, a number of concurring causes promoted the increase of the population, and accelerated the subdivision of the land. The cultivation of the potato was stimulated, and prolific millions were reared on the soil through the support afforded by that precarious root. The forty-shilling freehold franchise was extended, and landlords covered their estates with cottiers in order to obtain political influence. Before long the war with France and Napoleon raised the prices of agricultural produce, and caused an extraordinary demand for corn; and this

tended to quicken still more the movement towards small-farm husbandry. Within less than thirty years the people of Ireland doubled in numbers; and, speaking generally and with large exceptions, small holdings prevailed throughout the island. In this state of things the equities in the soil acquired by the peasantry became very great; whole districts, in fact, were made profitable by them; and as the competition for land grew keen, rents rose, and landlords enjoyed larger incomes, while, as was natural under the small-farm system, not they but their tenantry made the farmsteads and buildings on their estates, and added enormously to their value. The result in the North was to raise the price of Tenant Right in a remarkable degree, to give the custom additional strength, and throughout the country to increase the claims of the peasantry to a joint interest in the land, the sentiment of which became deep-seated; and we now see how unfortunate it was that judicial decisions had not long before acknowledged these claims as they grew up and matured, and brought law in accord with the facts of society. Unhappily, as I have before noticed, this reform was not be expected from the Irish judges of that age; and, very different from what had taken place in England, where Lord Mansfield had given the sanction of law to numerous usages connected with land, the natural rights of the Irish peasant were never recognized or received protection. As yet, however, the inherent mischiefs of this state of things were not fully disclosed; landlords still favoured the system of small holdings, which they found to be profitable in many ways; if middleman tenures for a time increased, the peasantry usually had still short leases; and though, owing chiefly to the growing pressure of population on the resources of the land, agrarianism became often alarming in the South, and instances of oppression were not infrequent, the worst

consequences were yet to come, and society seemed comparatively prosperous. Yet elements of disturbance and peril were ripening fast under this face of progress. A portentous mass of poverty was developed as the population augmented in numbers and hung heavily on the land, without the protection of the Poor Law. The gentry, always inclined to extravagance, as usually is the case with a privileged order, cut off in sympathies from the people, often lived faster than their rents rose; and the estates of many, which had been incumbered ever since the days of the Penal Code, became involved in hopeless embarrassment. The evils of absenteeism, though less, perhaps, than they had been, became more apparent and were more felt; and landed property was very much neglected, in consequence partly of the conditions of tenure, which threw on the occupier chiefly the charge of improvement. A better state of affairs existed in the North, where the relations between the landed classes had always been on a sounder footing and a healthier public opinion had been formed; yet even in the North there was much improvidence, and it is not probable that Tenant Right could have gained the ascendency it attained had landlords managed their estates with care, and given judiciously liberal leases.

The period of distress that succeeded the war revealed clearly the more recent mischiefs that had gathered in the Land System of Ireland, and the old and chronic causes of trouble. A great number of landlords were ruined, and their estates, swept into the Court of Chancery, became centres of the worst mismanagement; and if middleman tenures, though still very common, were in part broken up with good results, landed property was in an impoverished state, and remained too generally extremely neglected. At the same time the collapse of prices proved destructive to thousands of the poorer class

of farmers, and the rapid augmentation of the mass of indigence that had grown up as the population increased, became a weighty burden on the country. For the first time Irish landlords began to distrust and dislike the small-farm system; and the process of consolidation and clearing estates commenced, and, before long, became too common. The deep division of classes in Ireland, that had seemed half hidden for some years, was then disclosed in the plainest manner, and society was rudely shaken and disturbed. In Ulster the evicting of the peasantry was never carried out on a very large scale, Tenant Right and powerful local opinion being opposed to expedients of this character. But it was too general in the other provinces; and though reasonable allowances ought to be made for the difficulties in which landlords had been placed, the harshness that often marked these acts showed how little sympathy existed between the dominant caste and the subject people. These clearances, which, in numberless instances, despoiled the tenant of what morally was his own, and appeared to him a ruthless invasion of what he had learnt to think of as a secure possession, created fierce and savage irritation; and agrarianism, that old feud of class that had come down from the age of conquest, that had exhibited itself in varying forms, as circumstances called it into being, acquired remarkable strength and intensity. Opposed for some time by a powerful Government, and pursued with extreme and violent rigour, it ceased to be insurrectionary and wild; it formed itself into a vast Trades Union in the interest of poverty against property, and it assumed the shape of a widespread conspiracy to vindicate the assumed rights of the peasantry, and to maintain by assassination and crime a too popular code of landed tenure. This period of trouble may be said broadly to have lasted for fifteen years after the Peace, and, though

some improvement was then effected, events occurred before long that showed how separated the landed classes were, and that quickened the discontent of the peasantry. The Irish landlords of the last generation were a great deal better than their predecessors, yet the curse of ascendency clung to them, and as a class they resisted the reforms which from 1825 to 1840 were devised for the good of the Irish people. The peasantry in the South, shaking off the thraldom of successive generations, now began to revolt from superiors, not loved, but hitherto obeyed, and flung themselves into the arms of a demagogue, and of a priesthood that had no reason to like or revere a Protestant proprietary. Fierce political agitation sprang up; the Clare election proved the forerunner of the decline of territorial influence; and landlords and tenants in the South of Ireland ranged themselves into opposite camps, divided by many causes of discord. Meantime, the distress that had followed the war, the extinction of the forty-shilling freeholds, the very uncertain state of society, had conspired to diminish the comparative security of tenure enjoyed previously by the Irish tenant; and the efforts of the landlords to maintain their power co-operated in the same direction. The granting of leases became uncommon; as leases fell in, the precarious tenure of tenancy-at-will was generally substituted; and thus, while evictions had become too frequent, the peasantry rapidly began to lose the scanty legal protection they had for their long-established equities in the soil. It is no wonder that agrarianism lived on, despite every effort made to root it out; and it was greatly aggravated by the increase of poverty, which, though the country had advanced in wealth, augmented with the growth of a teeming population. A series of Parliamentary papers, ending with the report of the Devon Commission, showed that, with the exception of a

part of Ulster, Ireland was in a very dangerous state between 1840 and 1844; and revealed a condition of society in which whole classes seemed rent asunder, in which law ignored most important rights belonging to the occupiers of the soil, and in which indigence, disorder, and crime seemed to prey upon the vital strength of the nation. It must be admitted that if statesmen had at this time successfully removed the worst political ills of Ireland, they had shown themselves unable to cope with this train of formidable social mischiefs.

This state of society was much changed by the memorable events of 1846-8. The redundant population that for years had aggravated the ills of Ireland was removed permanently from the land. Middleman tenures almost disappeared, the estates of ruined proprietors were sold, and large tracts were thrown open to commerce, with results upon the whole beneficial. The country has since improved considerably, and the discipline of experience and suffering has not been forgotten by the landed classes. The Irish gentry of this generation differ widely from their fathers and grandfathers; they are in general prudent and thrifty; many of them have shown an excellent example in discharging faithfully the duties of property, and the influence of a bad ascendency of sect has become perceptibly weaker among them. On the other hand, the Irish peasantry have made a rapid advance in knowledge; they have become more industrious and self-reliant; and it would be a great mistake to judge them by the standard of a past generation. Absenteeism, also, has diminished; and much that was worst in the Land System of Ireland has been mitigated by firm government and strict public opinion. Yet the structure and tendencies of that system remain unaltered in many respects, and if some of its mischiefs have been removed, time has unhappily developed others. After the efforts of years, to which

the events of the famine gave remarkable aid, the large-farm system has been introduced into Ireland to a certain extent, with the conditions of tenure applicable to it, and the minute subdivision of land has diminished. Yet the small-farm system generally prevails; there is no prospect of its decline; and this system naturally throws the charge of permanent improvements on the tenant, and gains for him an equity in the soil. The peasantry, where they have remained on the land, retain the rights they have gained in it, and they have added considerably to those rights as their prosperity has increased. And while this has gone on, a concurrence of causes—the changes of property after the famine, the fluctuation in the value of land witnessed in Ireland during the last twenty years, unwise laws which have increased the facilities of dealing summarily with tenacies-at-will, and have rather discouraged leases, and the desire of landlords to grasp at power—all this has tended to reduce still more the number of leaseholds in the country, and to make tenures generally precarious. The small farmers of Ireland stand at last in this bad and anomalous position, that while they have risen in the social scale, and have gained usually in numberless instances a title to a co-ordinate interest in the soil, they have generally sunk to the rank of tenants-at-will, have no protection for their rights from law, and have no defence against the extinction of their property by eviction and raising of rent, but local custom and landlord forbearance. At the same time many events have conspired to reduce the already waning power of landlords in the Southern provinces, and to render it odious in some districts. In these parts of Ireland evictions took place on a very large scale in the famine years, and, excusable as these sometimes were, they were occasionally marked by cruelty and wrong; they often despoiled the tenant of his rights; and they have left behind memories not yet forgotten. Much as the land-

lords, too, have improved as a class, the facilities they possess to commit injustice tempt individuals, now and then, even in ordinary times, to acts of oppression; and the unhappy effects of sectarian division have set them in opposition generally to the people, have prompted them to contend for political domination lost beyond recall, have isolated them among their own dependents. Meantime the peasantry, growing in intelligence and deeply penetrated by teachings and influences hostile to the authority of their superiors, have learnt to appreciate whatever is faulty in the system of ownership around them and to dislike it the more as its strength diminishes. All this has concurred to make landed property unpopular in some parts of the South; nor is it to be denied that it is now assailed by an angry and revolutionary spirit. In addition, and beyond all, the system of occupation, ever becoming more insecure and grievous to the tenant, has provoked universal discontent; and these and other causes have combined to maintain agrarianism and to prolong the existence of the agrarian spirit. The power of that spirit is, no doubt, terrible, and at present menaces social order; yet, though, were the law of tenure in Ireland to remain as it is, it would probably increase, the outrages it has led to, whatever may be said, are very much fewer than they were thirty years ago, and we may expect that it will be dissipated if the Land Question shall be fairly settled. In the greater part of Ulster, where powerful custom defends the interest of the tenant in the land, and public opinion is healthier than in the South, the condition of affairs is much better, and landed property retains very great influence; yet even in Ulster, where law fails to give its sanction to Tenant Right, the relations between the landed classes are not in a satisfactory state.

This brief survey of the general causes that have made the Land System of Ireland what it is induces me to offer

one or two remarks. In the first place, it will be observed how different, if resembling in name, are landed relations in England and Ireland. It is not merely that the course of centuries has developed in England the large-farm system, and that law is in harmony with it; while it has evoked in Ireland the system of small farms, with which the law is wholly in discord. It is that the settlement of land in the two countries stands on foundations absolutely distinct, and that the traditions, feelings, and sentiments associated closely with landed property, and influencing it in its relations with the people, present a corresponding diversity. In the second place, it will be observed that the chief present defect in the Irish Land System, regarded upon the side of occupation—the general prevalence of tenancies-at-will, co-existing with the large claim of the peasantry to an equitable interest in the soil, and the insecurity and injustice therein resulting—is comparatively of modern origin, and that this, in a certain degree, explains why, though the country has greatly improved and many ills of the past have vanished, discontent, widespread and deep-rooted, still continues to fester in the hearts of the people. And, lastly, the retrospect should induce us to cease visiting Ireland with reproaches, and should draw Irishmen towards each other by indicating the real causes of the ills that still afflict their common country. If painful divisions still keep the landed classes of Ireland apart; if, in the greater part of the island, unhappy traditions still survive between the owners and occupiers of the soil; if landed property is too often disliked, and seems to enforce rights without performing duties; if agrarianism still disturbs society, and a vexed and angry spirit is abroad; if, in a word, in Mr. Gladstone's language, Ireland at this hour is 'politically diseased';—attribute the fault, not to this or that class, not to the shortcomings of the living generation, but to the accumu-

lated errors and misfortunes of the past, and, above all, to the tyranny of circumstance. In considering the Land Question of Ireland we ought to cultivate the charities of history, to make generous and humane allowances, to avoid throwing upon the present the censure due to by-gone generations, and to remember what an inscrutable part fate seems to play in national destinies.

CHAPTER XXVIII.

January 11.

HAVING examined the Land System of Ireland in its results, its organization, and its causes, I proceed to notice those features of it which seem to require special attention, and to glance at the principles of the chief schemes put forward for removing its mischiefs. If the view I have taken of the general question in previous letters is tolerably correct, we must consider the subject on both its sides—that of occupation and that of ownership. We have seen that the occupiers of the soil in Ireland may be divided broadly into two great classes, differing, however, in numbers and real importance—the capitalist and the peasant farmers. We have seen that, speaking generally, the first can deal with their superiors on equal terms, hold by lease or definite contract, do not add permanently to the value of their farms, for the most part occupy large areas, and have little or no claim to those equities in the soil created by Tenant Right, or arising in respect of lasting contributions to the land. We have seen that the law, as it now stands, applies fairly enough to the first class, and that were the entire of Ireland held under what I have called the English system of occupation no Land Question would, practically, exist, and a searching reform would not be necessary. We have seen, however, that outside the pale of these capitalist farmers extends the mass, prodigious in number, of the peasant occupiers, that the law as to them is grossly unjust, and that it is here the

amending hand of the statesman is required to set right a most faulty system. In the case of tenancies in this category—apart of course from very great exceptions, and modifications of all kinds—the peasant in a large majority of instances cannot treat for land as a free contractor; his tenure usually is at will, determinable by a six months' notice to quit; he, or his predecessors, have, from time to time, made useful annexations to the land, and frequently given it its productive qualities; his holding, as a rule, is small in size; and he has often acquired equities in the soil, through Tenant Right or in respect of improvements of considerable though undefined value. These equities, however, which, various as they are in extent, character, and intrinsic worth, nevertheless give the possessor of them an interest concurring with that of the owner, are wholly without the security of law, and—apart from terrorism and outrageous force—are vindicated only by local custom, by acquiescence, and the forbearance of landlords. We have seen, moreover, that what makes this state of things intolerably unjust is that, the tenure of the peasant being usually at will, the landlord is able to destroy his equity by raising rent or capricious eviction; that it is here the law falls short of its duty to guard what virtually are rights of property, in the aggregate of enormous value; and we have noticed the evil consequences in the deep discontent of the small farmers of Ireland, and in the prevalence of the agrarian spirit. We have seen, moreover, looking at the subject from the side of ownership, that from many causes landed property in some parts of Ireland has become unpopular and has lost its influence; and that, for this and other reasons, it may be advisable to afford encouragment for the easy, yet strictly voluntary, alienation of estates in Ireland under the control of the State, in order to attain a great political object.

From these considerations it follows that the features

in the Land System of Ireland which require to be particularly noticed are the crying defects in the law which allows, through its rules relating to tenancy-at-will, the rightful interests of an immense class—and that one comparatively helpless—to be encroached upon or confiscated, and the expediency of facilitating the transfer, in the general interest of the Irish nation, of a certain amount of landed property. I proceed to examine shortly the plans suggested for the reform of that system—beginning with its most important side, the tenure of the occupying peasantry; but I must first say a word upon a matter which I believe causes great misconception. It will hardly be denied that the law which refuses to acknowledge the right of the Irish peasant to whatever interest he may have acquired in his holding beyond his tenure is grossly unjust; nor is there a serious difference of opinion as to the quality of that interest in one class of cases. Where, as in Ulster, the small farmer has usually what is felt to be a kind of property in his land, and wherever in the South a tenant has paid a price for the purchase of goodwill, it is generally allowed that a *bonâ fide* interest beyond the legal tenure exists; and it is seen plainly that Tenant Right conflicts directly with tenancy-at-will, and confers morally a substantial claim. But there is not the same agreement of opinion as regards the second and more general title of the Irish peasant to an interest in his farm—his equity in the soil in respect of improvements; some even impartial persons consider this interest as really trifling, and as at bottom rather illusory; and they deny that law works here much injustice. I do not think a more grievous error exists with reference to the Land Question of Ireland. No doubt, in the actual state of agriculture, a good deal that the peasant farmer may have annexed to the soil or contributed to it may not be a benefit to the landlord now, though the amount is

much less than is commonly imagined, taking even that very imperfect criterion. No doubt, too, in numerous cases, in consequence of evictions, of emigration, and of resulting changes of tenancies, no claim for improvements can be fairly preferred; in other cases, not, perhaps, very many, what can be called improvements are never made; and, as a matter of course, all claims of this class must be subject to limitations of time, as in the case of every kind of title. It must be added that these claims are often justly liable to deductions in respect of injuries done by the tenant to the land, of diminution of rent because of improvements, and of continuous and prolonged occupation; and, unquestionably, where, as not seldom has happened, the landlord has contributed in part by money or otherwise to what has been done, it would not be easy to disengage and adjust accurately the peasant's equity. Nevertheless, after making every allowance and admitting every legitimate drawback, I believe that the claims of the Irish tenants in respect of what they have permanently added to the soil are, without exaggeration, enormous; and I assert confidently that in virtue of them they have in numberless instances gained an interest in their holdings, in justice and truth, repugnant to mere tenancy-at-will, and in a strict sense a large right of property. No person who has studied the subject, and understands what is the real meaning of 'improvements' under the small-farm system, will, I believe, ultimately think otherwise; and I refer sceptics to the Report of the Devon Commission and to the Committee of Mr. Maguire in 1865, especially to the evidence of Lord Dufferin, who, though holding a very strong opinion on the right of absolute ownership in land, acknowledges, with the candour of a superior mind, how great are the claims of the Irish peasant by reason of his additions to the soil. Nor is it impracticable, in my judgment, by adopting tests and

pursuing a method on which I shall say a word hereafter, to vindicate these rights and to bring out the interest of the tenant in respect of them; though it is here certainly we have so much to regret that judicial decisions have not settled these questions.

I pass on to projects for the amendment of the system of occupation in Ireland. Unhappily, it is hardly necessary to consider what Parliament has hitherto done in this matter. Bills, indeed, have at different times been brought in, founded on judicious and sound principles, which sought to legalize the custom of Ulster, and to recognize the right of the Irish peasant to his equitable interest in respect of improvements. These measures, however, invariably failed; not, I am convinced, because the Legislature was deaf to a legitimate claim, but because it did not thoroughly comprehend the real bearings and facts of the case; and, confused by the identity in name of things different and even opposite, thought the English law of landlord and tenant could not possibly be a cause of wrong in Ireland. The only measure even approaching an attempt to draw a real distinction between the position of the occupier of land in England and Ireland that received the ultimate sanction of Parliament is an Act of 1860, which, faulty in principle and detail alike, refused to acknowledge the existing interest acquired by the Irish tenant in his holding in respect of his equities in the soil, proposed a system of compensation for prospective improvements that would not and could not possibly work, and has been justly called a legislative abortion. The first scheme for ameliorating the conditions under which land is occupied in Ireland that deserves attention at this juncture is that shadowed forth by Mr. Bright as long ago as 1866, and still evidently favoured by him. This scheme, admirable in some respects and broad and statesmanlike in its leading conception, nevertheless betrays

imperfect knowledge of the real problem that requires solution, cannot certainly be viewed as a complete plan for reforming the mode of occupation in Ireland, and, as I shall endeavour to point out hereafter, is, judging it even within its proper limits, open as it stands to serious objections. Mr. Bright's project does not aim at dealing with the system of occupation in Ireland generally; indeed, it treats the subject on the side of ownership, and it is probable that when he first put it forward he had not thoroughly realized to his mind the extent, difficulty, and intricacy of the question. Perceiving, however, that formidable discontent existed among the peasantry of Ireland, and judging correctly that nothing tends to pledge a class so strongly to order as the consciousness of having property in land, he proposed to raise an indefinite number of occupiers in Ireland to the status of owners by the gradual alienation of estates and the formation of a peasant proprietary. To attain this object, his idea was that absentee landlords in Ireland should have facilities afforded them to sell their lands; that the State, having advanced the price, should enter into possession of these; and that the tenantry, through its intervention, should ultimately acquire the freehold in their farms, by paying the purchase-money in instalments added yearly to the existing rents. The contemplated alienation, however, was to be, in the strictest sense, voluntary, and one class of estates only was selected for the intended experiment.

As a mere fraction of the lands of Ireland could be brought to a sale under these conditions, it is evident that Mr. Bright's scheme cannot be regarded as embracing the whole system of occupation in the country; and, in any case, it could be only ancillary in a general settlement of the Irish Land Question. I think, also, as I shall try to show, that it errs in limiting its application to landed estates of one description, and that it neither

gives the State the security, nor imposes on the tenantry the obligations, which a well-digested project would do; although I believe it contains the germs of a salutary and excellent reform. I turn to a plan which really deals with the whole system of occupation in Ireland, and which, backed by the authority of Mr. Mill, is now, with certain modifications of an important kind to be noticed presently, advocated by the extreme Tenant Right party in Ireland. This scheme, sufficiently well known by its popular name of Fixity of Tenure, must be discussed fairly upon its merits, though it is violent in its character, and, I think, founded on an inadequate appreciation of the real facts or the real requirements of the country, and though it will certainly not be sanctioned in Parliament. Mr. Mill—for he is the author of the project—contends that, in order to attain the paramount object of pacifying the country, and to abolish the evils of Irish tenancies, the whole of Ireland ought to go through a process by which the ownership of land shall be transmuted into a right to a rentcharge, and the occupiers of land shall be converted into owners, subject only to a determinate quit rent, and possibly a few other conditions. For this purpose Mr. Mill suggests that the State, after sufficient enquiry, shall fix definitely the rental of Ireland; that those who now fill the position of landlords shall be declared entitled to this annual sum; and that the tenantry, whatever their tenure, provided they are the actual cultivators of the soil, shall, so long as they pay this yearly charge, possess the land in absolute property, with, perhaps, obligations of some kind as regards alienation and subdivision. As Mr. Mill, however, is of course sensible of the real nature of this project, he proposes that the landlords should be indemnified by the State for all losses in respect of the possible difference between the original and the

fixed rent, and of deprivation of the valuable incidents and prospective advantages of landed property; and he even insists that the landlords should have 'the option of receiving directly from the National Treasury' the annual sum set apart for them, 'by being inscribed as owners of Consols sufficient to yield the amount.' By these means 'every farm in Ireland not farmed by the proprietor would become the permanent holding of the existing tenant, who would pay, either to the landlord or to the State, the fixed rent which had been decided upon; or less, if the income which it was thought just that the landlord should receive were more than the tenant could reasonably be expected to pay'; and all Ireland would be under a perpetual settlement by which, at some unknown cost to the Empire, the occupier would be owner in fee at a rent and the owner a landed or funded annuitant.

In arguing this question with Mr. Mill I willingly make considerable admissions. There are tracts in Ireland to which his scheme applies fairly enough, especially under the conditions to which he has made it subject. Where land is held in mere small patches, at rack rents, and is owned by landlords who have never expended a shilling on it, it might be expedient to raise the peasant from a position that hardly admits of hope to one that would give him the strongest encouragement; and there would be little injustice in considering the landlord as the possessor of a rentcharge of which the existing and prospective value can be exactly estimated, allowing, of course, for other rights known by the general name of royalties. Or, where Tenant Right has thoroughly eaten out, as is the case in a certain number of estates, the absolute dominion of the fee, there would be little wrong done by a frank recognition of facts as they are in this state of things, by classifying the occupier as the owner of the land, and the owner as an annuitant only,

with contingent advantages capable of valuation. Nor do I dispute the right of the State, in the interest of society in general, to deal vigorously with landed property, provided fair compensation be made. Nor do I think Mr. Mill's plan is to be dismissed contemptuously, with the remark that it would turn Ireland 'into a warren of paupers,' for the tendency to subdivision might be very different among reckless cottiers and peasant owners, not to lay stress on the remarkable advance in thrift, prudence, and self-respect made by the Irish farmer in this generation. Nevertheless, looking at Ireland as a whole, and at the sum of its landed relations, Mr. Mill's project is, I think, open to objections of an overwhelming kind, that more than cancel its possible advantages. On what conceivable ground of right can Mr. Mill propose to convert the capitalist farmers of Ireland into owners—a class it must be borne in mind, holding no inconsiderable part of the country, having little or no equitable rights in the soil, and usually occupying by definite contract? And granting, as Mr. Mill would, perhaps, grant, that his reform ought not to extend to this class, by what expedient is it to be discriminated and excluded from the scope of a general law? Allowing, too, that in the instance of some tracts in Ireland all that is meant by 'Fixity of Tenure' might not be unjust, on what pretence are you to commute, everywhere, the variable, unequal, and undefined claims of the peasant farmers to an interest in the soil—into a common and universal ownership? Moreover, though Mr. Mill provides for the material interests of the Irish landlords on a liberal, nay, an extravagant scale, he does not and cannot give them compensation for the social consequences of expropriation, and these ought to be taken into account unless, what he has not shown, State necessity absolutely requires the change. Mr. Mill, besides, hardly deigns to reflect on what

nevertheless deserves consideration, the probable results to Ireland and the Empire of severing a proprietary class from their lands—for, disguise it as you may, that is what is meant—and of disorganizing the whole local administration of the country. It seems, too, impossible to doubt, without disparaging the Irish peasant, and regarding economic facts only, that 'Fixity of Tenure,' however guarded, would lead to subdivision to a considerable extent; that, as population would increase, and as the value of land would rise, the tendency to sublet would become inevitable; and that, without making extreme assumptions, Mr. Mill's scheme would end in creating a new gradation of landlords and tenants, in most parts of the country at least, and, notwithstanding its extreme violence, would, so far certainly, prove illusory. Nor can it be disputed that this plan would impose onerous duties on the State that ought not to be undertaken lightly, and would entail a grievous burden on the general taxpayer. In the first place, the Imperial Exchequer would have to make good to the expropriated landlords all sums arising from the difference between their own rents and those fixed by the State, and for compensation in respect of the loss and the incidents and contingencies of landed property. In the second place, as the expropriated landlords would be entitled to a capital sum in Consols, the interest of which would be equal to the rentcharge payable from their lands, it is evident that they would generally prefer to a property wholly inferior in value a property in the Funds completely secure and far exceeding in its market price the landed annuity allotted to them; that, as a class, they would abandon Ireland, and that the whole management of their former estates, with the consequent troubles, would fall on the Government.

The extreme Tenant Right party in Ireland agree with Mr. Mill in demanding that the Irish landlords shall be

converted into annuitants at rents fixed by the State, and that the tenantry shall become owners of the land. Instead, however, of seeking for compensation for the expropriated landlords from national resources, they propose to leave them the incidents of property that, as I have said, may be called 'royalties,' and to indemnify them for the loss of prospective advantages by the periodical revaluation of the State-settled rental. This scheme accordingly is as objectionable as that of Mr. Mill in many respects, with this addition, that it would be a measure of confiscation far more unjust, and that it would have a direct tendency to injure agriculture, since it would be the interest of the rent-paying owner to have his land in as bad a state as possible when the time of revaluation approached. Nevertheless, it is idle to deny that it is popular in Ireland to some extent, and this ought to warn Irish landlords to unite earnestly in assisting in a fair settlement of the Land Question, in order to escape the danger of a project subversive of their legitimate rights, and which, though Parliament would now reject it, appeals strongly to class passions and selfishness. I come next to a milder expedient for reforming the system of occupation—that of extending to all parts of Ireland the form of Tenant Right that prevails in Ulster. It is necessary here to be precise in language, and not to be led astray by ambiguous phrases. If the meaning of this proposition is that an equity in the soil of an ascertained value, amounting to a concurrent interest, is to be attached to every holding in Ireland, and to be left to custom or mere forbearance, without the protection of positive law, it is obvious that, apart from other objections, this would be a monstrous confusion of rights, and a fertile source of continual discord. What, however, evidently is meant is that Tenant Right, where it actually exists, shall be legalized

according to its present status and the interest really conferred by it; and that, where Tenant Right does not actually exist, an equity of a similar kind, measured necessarily by an uniform standard of value, shall be engrafted by law on all other Irish tenancies, and shall be recognized as an incident of occupation, in lieu, it may be fairly supposed, of all equities of any other description. This project, although it would mete out a rough measure of justice in many cases, must, nevertheless, I conceive, be rejected. In the first place, it does not discriminate between the capitalist and the peasant farmer; and as it proposes to give the first class the same benefit that it would give the second—and no law can absolutely distinguish between them—it would be iniquitous in numberless instances. In the second place, even as regards the class of peasant farmers, it would not adjust the real equities they have in the soil, it would not settle their relative value, it would not draw a line between those who have and have not a well-founded claim, and by giving to all an equal interest it would be in the nature of things unjust, and would fasten a universal charge on estates of which landlords might fairly complain. It is, in a word, as faulty in some respects as the more radical scheme of Mr. Mill, for it attempts to apply a general rule, that in the nature of things must often do wrong, to an infinite variety of particular instances, and it would subvert and violate rights of property without, as I think, the least reason to do so.

It will be seen at a glance that another proposition, to turn all Irish tenancies into leaseholds of the same duration, and under the same conditions, is as untenable as the other projects I have noticed. It is essentially and needlessly unjust; it would invade legitimate rights of property, and it is especially objectionable in this, that it

would merely postpone to a future day the settlement of a very serious question, though too much ought not to be made of this. The truth is that all these schemes either do not fully encounter the difficulty, or cut the knot violently without untying it; and I do not think they even approximate to a satisfactory and fair reform of the system of occupation in Ireland. Under that system, as we have said, the occupiers fall into two broad classes, one of these sufficiently protected by law, the other without proper legal protection; and the peculiar and worst defect of the system is that the rules conversant with tenancy-at-will do not shield the equities of the peasant farmer, these equities, however, being varying and indefinite, and differing in extent and value, in probably many thousands of instances. The true mode of reform, therefore, would be, not interfering with the first class, or interfering as little as possible, to deal directly with the second class, and so to modify its conditions of occupation as to take in these unprotected equities, to determine the rights they ought to confer, and, as nearly as possible in each instance, to bring out what ought to be the interest of the possessor in his holding, concurrent with and beyond his present tenure, whenever it needs to be ascertained, and to legalize this with a strict regard to justice. It is, no doubt, true that, in one sense, law can and must determine this matter, and that the Legislature must settle these questions. But it is evident, I think, that no general measure can accomplish the end that ought to be aimed at; that no uniform and rigid standard can be fairly applied to measure rights presenting an extraordinary diversity, and until examined, absolutely undefined. I have indicated months ago the process by which only, in my judgment, we can hope to accomplish the desired object. Judicial tribunals ought long ago to have vindicated the

rights of the Irish peasant; judicial tribunals, under the sanction of law, must now perform the arduous task, must protect the equitable claims of the tenant when they shall have been duly ascertained, must assure to him whatever interest in his holding he is fairly entitled to, and must thus bring the system of occupation in Ireland into accord with justice.

CHAPTER XXIX.

January 15.

HAVING reviewed different plans for reforming the system of occupation in Ireland, and having indicated their various defects, I shall now put forward what in my judgment would be a fair solution of the problem. It is unnecessary to say that I do this with sincere distrust in my own power to apprehend thoroughly so vast a question, but as I have investigated the subject I feel bound to point out the means by which its difficulties may, I trust, be encountered. For the sake of clearness I shall repeat here a little of what I have already written. We have seen that the occupiers of the soil in Ireland may be divided broadly into two great classes—capitalist and peasant farmers. We have seen that the first, as a general rule, have not made permanent improvements on the land, and hold usually by lease or definite contract, and that the law, as it now stands, is not as to them a measure of wrong. We have seen that the second, in numberless instances, have added permanently to the value of their farms, have deposited in them the fruits of years of industry, have, in this way, or through Tenant Right, acquired a great mass of equities in the soil, yet, speaking generally, hold at will only, and that, accordingly, the existing law, however it may be checked by circumstances, exposes them to frightful injustice. We have seen that the point at which the law becomes so iniquitous to this class is that, through its provisions as to tenancy-at-will, the equitable rights

possessed by the tenant are liable to be invaded and taken away, that they may be abrogated by the raising of rent, or summarily destroyed by arbitrary eviction. We have seen that these claims in innumerable cases give the tenant, morally, an interest in the land more or less concurrent with that of the owner, yet that in some cases they have no existence, and that though they fall under two great heads—claims in respect of improvements and Tenant Right—they are infinitely various, wholly undefined, and impossible to adjust without enquiry. Taking up the subject from this point of view, we have briefly noticed different schemes for putting an end to this state of things, and have seen that they are either partial, one-sided, violent, or inexpedient, that they fall short of the intended object, or aim at revolutionary change, or do not approach, as nearly as they might, a sufficiently reasonable standard of justice. And, the real question in a reform of the system of occupation in Ireland being how to disengage and assure the varying and as yet unascertained rights in the soil of an immense body of occupiers, and, having regard to the law as it is, to give them their proper legal status, in accordance with equity and sound policy, we have seen that no general measure, in consequence of the extreme obscurity of the facts to which it should be applied, and of the complexity of the claims it would have to deal with, could even nearly accomplish this object; and that we can only hope to attain the desired end through the operation of judicial tribunals—directed of course and controlled by statute, and possessing considerable powers of reform—but guided by evidence, making enquiries, and so accommodating their decisions to the circumstances of particular cases as, upon the whole, to do fairly right.

I assume, therefore, that the true way to deal with and solve this great problem is by the agency of Courts of

Justice, created and regulated by Act of Parliament. It is evident, I think, in order to secure expeditious and, above all, cheap justice—the very first requirement in a case of this kind—that these Courts ought to be local; but, as they would necessarily have to consider exceedingly difficult questions of law, and to pronounce decisions on rights of property, they ought, in part at least, to be composed of lawyers; they ought not to be without appeal; and they should be bound by a strictly legal procedure. These precautions seem to me indispensable for the purpose of avoiding a scramble of wrong; in the long run they would tend to economy, and were the appeal to proceed in each county to the next going Judge of Assize, even the poorest suitor could not reasonably complain. A very important preliminary question is as to the character of the tenancies that should be subjected to the new jurisdiction; and obviously the line ought to be so drawn as, if possible, to exclude the capitalist farmer, and to comprehend all the peasant farmers, whose rights alone require vindication. It is not, however, practicable to mark off these classes by a legal definition; and probably it would be necessary to have recourse to a known and well-established distinction, to except leaseholders from the proposed scheme, and to extend the authority of the intended Courts to all tenants holding at will. I am quite aware that this division would not exactly fall in with right; that the tenure of a certain minority of capitalist farmers is at will, and that the tenure of a certain minority of peasant farmers is by lease; but even now it is tolerably correct, and we might expect that it would become more so, without wrong being done in the meantime, as contracts changed and leases fell in, and the real operation and effects of the new tribunals became developed. The great question, however, of course, is under what conditions these Courts

ought to ascertain the claims of the Irish tenant, and, with as little disturbance and change as may be, secure to him the interest in his holding to which he is so often entitled. One plan that I have thought much over, though I believe I can suggest a better, will, perhaps, be considered to have the merits of simplicity, clearness, and much intrinsic equity. Assuming, as I shall throughout assume, that the sphere of the intended reform should be confined to tenancies-at-will, the object of this plan would be to discover the rights that, in justice, belong to occupiers of this class, to commute these into statutable terms in the ratio of their declared value, giving, perhaps, facilities to those occupiers who were found to be without any rights, to acquire gradually the status of leaseholders. For this purpose the Courts should summon all tenants-at-will in Ireland before them, should determine the nature and extent of their claims, under proper restrictions and limitations, in the two categories of Tenant Right and of Improvements added to the soil; and having, of course, entertained the case of the landlords, should decree to those tenants who had made out their claim a formal lease, at the existing rent, and subject only to fair covenants, proportioned in length to the real interest which they should have been adjudged in their holdings. I believe the result of such an enquiry would be to bring a considerable part of the land of Ireland under leases, in some districts, especially in the North, of great value and long duration; and it would assure to an immense body of tenants-at-will, without any rude shock to property, the inestimable benefit of certainty of possession. As regards those tenants who, upon enquiry, were considered not to have any rights, it might be expedient to enable them to obtain leases of a similar kind, at a future time, upon giving proof that they had then executed certain improvements, and, meanwhile, so long as they paid their rents,

and fulfilled the contract they had undertaken, to suspend the power of summary eviction.

This plan presents, I believe, advantages in some respects peculiar to it. It would effect a speedy and certain settlement; theoretically it is reasonably just; it is perfectly intelligible to landlords and tenants; and it would liberate landed property quickly from an interference that should be as slight as possible. It would also be in a great measure self-acting, for there can be little doubt that Irish landlords would give leases to their tenants freely, once the Courts had established a set of precedents; and it would place landed relations, for the most part, on the true footing of positive contract. I deny altogether that it would be rejected generally by the tenantry of Ireland, for I believe that in the great mass of instances they would be satisfied with fair leases, if these liquidated their just claims, which in many cases would involve the concession of terms of considerable duration. Nevertheless, there are reasons against this plan which induce me to think it should not be adopted. It would suddenly throw on the Courts enquiries so multitudinous and intricate that grave mistakes would be often made; and accordingly, though not unfair in the abstract, it might lead not seldom to serious injustice. It would restrict landlords more than is required, would treat good and bad landlords alike, and occasionally do wrong to indulgent men who had let their lands below the proper value; and so far it would abridge the just rights of property beyond what is absolutely necessary. Above all, it would not bear the character of a final settlement, for though the leaseholders it would create would doubtless usually obtain renewals, they would not do so in many instances, and thus difficulties might arise again, though, knowing what human legislation must be, this objection is not, I think, conclusive. I venture to suggest another

plan, which, though less intelligible on paper, and certainly not without defects, would nevertheless be more easy, more gradual, and more just in its working, and would confirm more fully the fair rights of the tenant, with less interference with the rights of property. This plan is founded on the twofold principle of remedying the mischiefs of the law in the ordinary mode of tenure in Ireland, of marshalling in favour of the tenant, whenever it may be necessary to do so, any equitable claims which he may possess, or to which he might be considered entitled, and of thus vindicating, when required, the real interest he might have in his holding. To explain this, it must be borne in mind that the vice of the system of tenancy-at-will—and I repeat I contemplate this system only—is that the law permits the fair rights of the tenant to be abridged or cancelled by the raising of rent or summary eviction, thus rudely disturbing his existing possession, and confiscating what may be, in truth, his property. In this way the tenure is reduced to a mere annual and precarious title, for ever liable to be extinguished; and it is owing to this that it fails to secure the equitable rights of the ordinary tenant, and as a rule for these is so grossly iniquitous. It must, however, be borne in mind that tenancy-at-will, so long as the occupier's title is not molested by the raising of rent or a notice to quit, is in the nature of a continuing interest; it, in fact, resembles an indefinite term, although ever liable to be cut short; and, until determined, it guards fairly enough any rights which the tenant may have acquired, and gives him reasonable enjoyment of them. And it is because this is so, and tenants-at-will in Ireland in the great mass of instances are left in peaceable possession of their lands, that on the one hand they have gradually acquired the variety of rights they severally have, and, on the other, that this mode of tenure, injurious

as it is, has been found compatible with the existence of society.

These considerations being kept in sight, I proceed to unfold the plan I have mentioned. I would not alter the status of tenancy-at-will, though I would view it as what it actually is—an interest capable of indefinite continuance; nor would I, so long as subsisting tenancies of this description remained undisturbed, interfere at all between landlords and tenants. I would not even deprive the landlord of his powers of raising rent and evicting on notice to quit, but, in Lord Coke's significant phrase, I would here 'hit the bird in the very eye,' and I would compel a landlord seeking to assert these rights to show before the proposed tribunal that they were compatible with the equitable claims of the tenant. To vindicate these last-mentioned rights, the Legislature should recognize the existence of Tenant Right as a social fact, and the equity of the tenant in respect of improvements; and the local Courts should have full powers to ascertain and appraise all claims of these kinds, on such terms as should appear just, when the proper opportunity arose, not interfering in any way until the adverse action of the landlord had induced the necessity of interference. In this way, in the great mass of cases, the ordinary relations of landlord and tenant would not be touched by the law at all; tenancies-at-will would, so to speak, be prolonged into continuous terms that would support the rights of the tenant, whatever their nature, and would give him legitimate security; and whenever a landlord attempted to impair or to put an end to the subsisting tenure, by the means I have before indicated, he would be forced to prove that the meditated act was consistent with the interest of the tenant. In this state of things, if the raising of rent or the notice to quit, in the judgment of the Court, clashed with the custom of the estate, in case it were bound by Tenant Right, or if it

detracted from the title gained by the tenant in respect of improvements—these matters, as I have before said, being determined upon the hearing of the cause—the landlord's proceeding would be defeated, and the tenancy would continue unimpaired, maintaining all rights attached to it. It may be said confidently that under these conditions attempts unduly to interfere with the tenant's possession would be extremely rare, that his moral rights would be really upheld, that a great step would have been made in strengthening the position of the occupier without tampering wrongly with the claims of the owner. Yet I would not stop even here in giving protection to the occupation of the tenant. Except where Tenant Right existed, and the custom assured a measure of compensation, I would empower the Court, in cases in which it would sanction an eviction upon notice to quit, but not, I think, in any other case, to adjudge to the tenant, over and above claims in respect of improvements or otherwise, a capital sum by way of damages, the *maximum* to be fixed by the Legislature, and to be capable of being reduced indefinitely, according to what should be thought justice. No doubt it may be urged that this would be equivalent to extending a sort of Tenant Right, potentially applicable, to all estates not at present subject to such a charge, and that it would thus violate the fair rights of property. But the scheme is wholly different in kind from that of fastening a uniform burden of Tenant Right upon land generally, and the circumstance that the proposed sum may, at the option of the Court, be cut down to nothing, deprives the project virtually of injustice. It should be viewed as the means to give a tenant compensation for those results of eviction of which a Court of Conscience may take notice, though it may be difficult to fix their value precisely, and it would be easy to show that this part of the plan is not without ample support from our law.

In this manner the worst mischiefs of tenancy-at-will in Ireland would disappear, and the precarious tenure would be converted into a continuous occupation hardly ever interrupted, protecting and taking in the equities possessed by the occupier in his holding, and charged with a benefit for the tenant in the exceptional instance of interruption. To fortify still more the position of the tenant, it might be advisable to reverse the absurd and unjust presumption of law that whatever is added to the soil accrues to its owner, and thus to establish a rule for the future in favour of the class which almost necessarily makes the permanent additions to the land, under the small-farm system which prevails in Ireland. It will be said, however, that under these conditions the landlord's rights would be unduly abridged, and that his authority would be wrongly impaired. I reply that I do not touch one right, save those which in their arbitrary exercise have proved fatal to the welfare of Ireland; and that, excepting only the trifling sum to be paid in the shape of compensation to the tenant, in order to obtain a title to evict, I do not lessen a landlord's property in the least, taking the term in its legitimate sense. It is necessary, to make this matter plain, to put the scheme in its true light. The existing law of Ireland allows a landlord to evict a tenant-at-will whenever a year's rent is in arrear, subject only to claims of Tenant Right, secured now by the Ulster custom; and, save as to recognizing that custom in the case of estates bound at present by it, I do not propose to alter that law, though it might be expedient to take away a jurisdiction from the Irish County Courts, which they have only under a recent statute, and to confine it to the Superior Courts. The existing law of Ireland allows a landlord to sue a tenant-at-will for waste, and he certainly ought to retain this right, with a right to sue, but not to evict, unless with the sanction of the new

Court on account of subletting or subdivision, except where consent had been given. In a word, throughout the whole range of relations and rights subsisting under this tenure, I would interpose only in two instances—where tenancy-at-will is so often incompatible with the moral rights of the tenant—the raising of rent and evicting on notice to quit; and even in these I would remit all questions as to the conflicting claims of landlord and tenant to the decision of a competent tribunal, pledged to administer justice to its suitors. I avoid subjecting estates to a valuation, nor would I reduce by one shilling the existing rental of a single landlord, for, though some lands in Ireland are rack-rented, this certainly is not commonly the case; and I have never seen a farm so rack-rented but that time and industry, with a secure possession, would before very long redress the balance. It will be observed, too—although for the future I would forbid the unconditional rise of rent without the permission of the Court—I leave the landlord every other real right and incident of property unimpaired, except that of capricious eviction; and, as I have said, it might be expected, although under the plan I have sketched a tenant would be assured ample protection in cases in which he would be entitled to it, that in an overwhelming majority of instances there would be no necessity for interference. In short, if tenancy-at-will so modified became virtually a continuous occupation, maintaining the legitimate rights of the tenant, it would not the less be a legal tenure guaranteeing the legitimate rights of the landlord.

By these means, I venture to hope, the exigencies of the case would be met without rude or violent change.* The rights of the tenant would be vindicated and marshalled to support his possession; the rights of the land-

* It is unnecessary to say that the Act should relate to all tenancies existing on November 1, 1869, to avoid evictions attempted to evade it.

lord would be preserved, or modified only to fall in with justice; and the process would be easy, elastic, and gentle. The custom of the North, the Tenant Right of the South, and the equity of the tenant to improvements would be recognized and given a legal status; claims under these heads would be ascertained, defined, and measured according to fact, and they would be rendered available to assure the title of the tenant to his holding, and would inure wholly to his benefit. In this way a transient and precarious tenure would become practically almost a Right of occupancy, safe, except in cases where justice required, from invasion upon the part of the landlord; the tenant's position would approach that of a copyholder or a lessee under a long term, and the Irish peasant would at last obtain the coveted boon of security of possession. Placed under the ægis of a tribunal armed with extensive powers and backed by opinion, he would be as safe as he could reasonably expect; and he would feel, perhaps for the first time in his life, emancipated from the sense of ever-present thraldom. Yet the end would have been gained without harsh disturbance or real violation of the rights of property—in fact, in the immense majority of cases things would go on without apparent change; the very institution of the new jurisdiction would be sufficient to throw a weight into the scale of the tenant that would be universally felt; and the reform, I believe, would not affect the good, while it would effectually restrain the bad, landlord. In short, I think it would adequately fulfil the conditions which, as I wrote long ago, would be essential to the solution of the problem; it would obliterate the mischiefs of tenancy-at-will; it would respect the legitimate rights of property; it would make no wild innovation on law; it would fall in with the wishes of the Irish people. We might fairly hope in this new state of things that agriculture in Ireland would improve, and that

agrarian crime would greatly diminish; nor is it improbable that the landlord class would be the first to perceive the good consequences. Yet I should be sorry to think that a reform of this kind would be in the nature of a perpetual settlement, or aught but temporary and provisional. For years, doubtless, it would be necessary that the new jurisdiction should continue; and probably, as existing leases fell in, most peasant farmers would at first elect to be placed under its powerful protection. Nevertheless, I trust the time would come when the Irish occupier would be set free from the leading-strings of State interference, and would be able to deal with his superior independently, on the footing of definite contract. To facilitate this object, the Legislature ought to remove legal difficulties that attend the enforcing of obligations in leases, and that, accordingly, discourage the grant of those interests; it ought also to extend equitably the leasing powers of limited owners, so that the Irish occupier should have every opportunity of acquiring by bargain a secure tenure, should he wish not to remain under the tutelage of the proposed tribunals, and to treat with his landlord as an equal. Every person at all familiar with the subject knows that much may be done in this direction.

In dealing with this question it will be observed that, in order to justify the plan I suggest, I assume that in an immense number of cases the equity of the tenant in respect of improvements would entitle him to a real interest in his holding. It will be observed, too, that I treat this equity as virtually a subsisting right, and that, therefore, it necessarily includes, not only future, but past improvements; these last, however, to be estimated only under proper checks and limitations. As this is the very essence of the scheme, I wish to say a word or two on the subject. It will be at once admitted that the

tenant in Ireland ought to have a property in future improvements; and if, as I have ventured to suggest, the presumption of law shall be reversed, and things permanently added to the freehold shall be deemed hereafter to belong to the occupier, there would be no great difficulty in determining prospectively what should be tenants' improvements. But it will be argued that it would be unjust to take past improvements into account and to raise thereby an equity for the tenant; and the changes will be rung on retrospective enactments without a clear perception of the subject. Yet the question really is, not of doing anything inherently unfair, which is the objection to retroactive laws, but of recognizing a vested right of property which ought to have been recognized long ago, and of giving it its legitimate status. In this sense many and notable precedents exist for measures of a retrospective character. The Petition of Right, the Bill of Rights, the decisions which set copyholders free, which emancipated estates by common recoveries, and which vindicated for the mortgagor his equity of redemption in the land—all these great and comprehensive reforms, which went to the very roots of society, interfered with an existing order of things, and necessarily had a relation to the past; and, in truth, every judgment of a Court which modifies a subsisting interest has, and must have, a similar tendency. Yet it will be seen that, under the plan I propose, though the Legislature would distinctly acknowledge the title of the occupier to past improvements, it might well happen that the intended tribunals would not often be called upon to enquire into rights of this kind, and thus to deal retrospectively with them, since these powers would not be called into being until a landlord assailed a tenant's interest. By what criterion to ascertain and measure the worth of claims of this class—of course, under just restrictions and

safeguards—is certainly not an easy question. It has been argued, with great ingenuity, that the true test would be the price of the goodwill that, subject to the existing rent, would be given by a purchaser to the occupier, adopting thus a Tenant-Right standard. This would be one basis of calculation, and in many cases would be a sound one; but I am disposed to think it might be possible to arrive at a more exact conclusion, at least in a considerable number of instances. The tenant, provided his right were made out, should be entitled to charge for the existing value of what may be called apparent improvements—such as houses, farm buildings, and the like; and with respect to non-apparent improvements—such as reclaiming waste land, draining, or fencing—he should be entitled to charge for their value upon a scale determined by considering the benefit done to the estate for a certain period, regard being had to the mode of cultivation he had pursued, and not to an ideal mode, and by taking into account his own outlay. After all, however, the question would be one of fact, degree, and reasonable evidence.

Such is the scheme I venture to submit for a reform of the system of occupation in Ireland. It is no doubt liable to the objection that it would create a novel jurisdiction, and I am conscious that it has other defects. Nevertheless, I think it is in the right direction, and I hope it will not be useless. I turn to consider the Land System of Ireland upon the side of ownership. As we have seen already, it may be expedient to afford facilities for the voluntary alienation of a certain amount of landed property in Ireland. As we have seen, too, Mr. Bright's plan contains the germs of a good measure, though faulty in details of importance. Mr. Bright proposes that absentees should be encouraged to sell their estates; that the State should enter into the

management of them, having first paid off the original owners; and that the tenants should ultimately acquire the fee by paying the purchase-money in instalments added to the rents. It would be, I think, unwise and invidious to restrict this measure to absentees, some of whom are exceedingly good landlords, or to make any distinction of class whatever; and it is obvious that Mr. Bright's plan exposes the Exchequer to serious loss, lays no conditions upon those who would derive a large prospective advantage, and does not give them the healthy stimulus to industry that would be so desirable. I would suggest that Mr. Bright's scheme ought to extend indifferently to all landlords who thought proper to avail themselves of it; and the result probably would be, that, by a kind of natural selection, Ireland would be gradually freed from those landlords unhappily of no use to her. I think, also, that in no instance ought the State to negotiate for an estate unless the tenantry were prepared to advance, say, one-fifth of the price—in order to give the nation security, to guarantee the payment of the rents that would be the fund to discharge the four-fifths advanced by the State to the former owner, and to quicken the energies of the tenant purchasers, who would prize doubly that which had cost them dearly. Nor would this operate as a serious check on the contemplated alienation of land, for the farmers of Ireland have millions idle that would be available for this purpose; nor, if necessary, would they find it difficult to borrow. Subject, however, to modifications like these, I believe that Mr. Bright's project for the formation of a peasant proprietary in Ireland is, under existing circumstances, one of true wisdom. It is easy to point out the economic objections, to say that the State ought in no instance to undertake a land agency, even on a limited scale; to assert that subdivision would be the result, as, to some extent, it

probably would; to maintain, as, I think, is partly true, that the Irishman has not the same eagerness as the Englishman for freehold ownership. Nevertheless, in my judgment, it should be an object of high Imperial policy to pledge a not inconsiderable number of the occupiers of the soil in Ireland to the cause of order, by giving them the status of owners of land, and thus to break the revolutionary wave that is menacing property, and that without doing injustice to any one and through a purely voluntary process. The measure would be also expedient in the North, as probably it would enable many farmers to acquire the freehold of estates in which the dominion of the proprietor had been seriously impaired by the custom of Ulster, especially when this should have been made law-worthy. It is unnecessary to say that the effects of a scheme which would open to the Irish tenant a prospect of possibly becoming an owner of land would extend far beyond those actually benefited.

I can only hint at the supplementary measures that ought, I think, to be kept in sight in a settlement of the Irish Land Question. The extreme wetness of the climate of Ireland and the singular configuration of the island—a low watershed and a coast-line of hills, rendering the course of several large rivers sluggish, and making their valleys liable to floods—cause the soil to be charged with superfluous moisture, and a considerable area to be injured; and a good system of arterial drainage, to open outfalls for thorough draining, is one of the chief material wants of the country. This great work should be done under the superintendence and control of the State—indeed, it could not be done otherwise; but the Exchequer ought not to be at the charge, it should be distributed over the districts benefited. It would, moreover, be very advisable if, as we may assume, the State must interfere between Irish landlords and tenants, that the

whole of Ireland should be revalued and a fair standard be set up, by which, approximately, to measure her rental. The present valuation is extremely imperfect; it is much too low for the fine grass lands, the mountain pastures and the rich tracts generally, though tolerably fair for the light corn lands; and its inequalities have contributed to excite that cry for a 'fixed rent' which is heard so loudly in some counties. It might also be worth considering whether the State, taking proper precautions, might not lend to tenants as well as to landlords under the Acts for improving landed property; the benefit of such advances would be great, and there need be no difficulty as to the security. I might stop here; but as the Land Question is a political and social question, I would finally glance at it from this point of view. We may reasonably expect that a just reform of the laws relating to land in Ireland will greatly diminish agrarian disorder; but we must not suppose that any Act of Parliament will, as if by magic, conjure away a spirit that has long exercised a baleful influence. We ought to endeavour to root agrarianism out, and I believe it will be generally admitted that the machinery for this purpose in Ireland is not of the most efficient kind. May not something be done in this matter to strengthen the hands of the executive Government? and is a military police the proper agent to cope with a stealthy combination? On the other hand, I may be allowed to express a hope that the time has passed away when the force of the Crown shall be employed to vindicate rights of property, when the agents of criminal justice in Ireland shall be made bailiffs, in the interest of landlords, in the execution of the civil process of the law. This illegitimate and unwise practice has done something to prolong the traditional dislike of the institutions and laws of the State that lingers in the hearts of the Irish peasantry.

For the rest, much may be done indirectly, by a kindly, generous, yet firm policy, by fostering and promoting sound opinions, by recognizing frankly the legitimate instincts and sentiments of the Irish race, to win the affections of the people of Ireland, to efface evil memories of the past, to blend Ireland indissolubly with the Empire. It is not for me, however, to dwell upon this; I conclude with one or two general remarks. It may be affirmed confidently that the coming Session will witness a thorough, yet equitable, settlement of this most serious and momentous question. It is the interest of England, for she cannot afford to have Ireland her reproach and her weakness; and they know nothing of Englishmen who imagine that when their minds have been awakened to the sense of a national grievance, they will not earnestly and quickly remove it. It is the interest of the great class of the Irish tenantry, at present without rights they ought to have, kept in a state of unfair dependence, vexed, angry, irritated, and discontented, too commonly charged in one mass with crime, too prone to listen to the false teaching of ignorance, unscrupulousness, or malignant faction. Above all, it is the interest of the landlords of Ireland, who must be aware of the peril to their order of the continuance of the present state of things; who, even now, have one chance afforded them of regaining some portion at least o their lost influence if they will take part honourably in a work of justice; who can no more prevent the inevitable change than a broken dike can arrest the tide; but on whose attitude it may largely depend whether reform shall be a message of peace or a triumph of class and political party. In considering and shaping this great settlement, may wisdom guide the national Councils, may justice animate the hearts of our statesmen, may the spirit of temperance and conciliation direct the deliberations of Parliament! I cannot doubt that if a just course be

taken, if the relations between the landed classes of Ireland be set on a sound basis, the immediate consequences for good will be great, the ultimate consequences fruitful of blessings to a long distracted and unhappy country. Yet—and this ought to be borne in mind, for it is the lesson of all history—let us not expect that any single measure will work a sudden transformation of Ireland, that any reform of the Land System will at once cancel the ills of the past and put an end to all evil passions and recollections. The traces of these things will remain; to obliterate them, statesmanship must rely on the influences of Time and just Government; the process must be gradual, and may be slow. Nevertheless, that is no reason why a great and good work should not be accomplished; why, in the noble phrase of our ancient law, 'Right should not be done' in this matter; and we may hope that Ireland will, in our day, prove by her conduct how true was the remark of a keen but unfriendly critic at the beginning of the seventeenth century:—'There is no nation of people under the sun that doth love equal and indifferent justice better than the Irish, or will rest better satisfied with the execution thereof, although it be against themselves, so as they may have the protection and benefit of the law when upon just cause they do desire it.'

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